SENATE—*Tuesday, December 12, 1995*

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray:

Almighty God, Sovereign of this Nation, our Creator, Sustainer, and loving heavenly Father, thank You for these moments of profound communion with You. We come to You just as we are with our hurts and hopes, fears and frustrations, problems and perplexities. We also come to You with great memories of how You have helped us when we trusted You in the past. Now, in the peace of Your presence, we sense a fresh touch of Your spirit. With receptive minds and hearts wide open, we receive the inspiration and love You give so generously. Make us secure in Your grace and confident in Your goodness. We need Your power to carry the heavy responsibilities placed upon us. Humbly we ask for divine inspiration for the decisions of this day. Since we are here to please You in all we do, our hope is that at the end of this day we will hear Your voice sounding in our souls. "Well done, good and faithful servant." In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. THOMAS. Mr. President, this morning until 10:40 a.m. there will be a period for closing debate on Senate Joint Resolution 31. At 10:40 a.m. the Senate will recess until 2:15 p.m. today. At 10:40 a.m. the Senate will proceed to the House Chamber to hear an address by Israeli Prime Minister Shimon Peres to a joint meeting of the Congress which starts at 11 a.m. When the Senate reconvenes at 2:15 p.m., following 2 minutes of debate, the Senate will begin as many as five consecutive votes on amendments on Senate Joint Resolution 31. The first vote will be 15 minutes, the subsequent votes will be 10 minutes each, with 2 minutes of explanation in between each vote.

Following disposition of Senate Joint Resolution 31, it is the hope of the majority leader to turn to the consideration of the Bosnia legislation. In that the majority leader hopes to complete action on that matter by 12 noon on Wednesday, debate may go into the evening today if necessary. Therefore, votes are possible today on the Bosnia legislation.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

The PRESIDING OFFICER (Mr. THOMAS). Under the previous order, the Senate will now resume consideration of Senate Joint Resolution 31, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 31) proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States.

The Senate resumed consideration of the joint resolution.

Pending:

Biden amendment No. 3093, in the nature of a substitute.

Hollings amendment No. 3095, to propose a balanced budget amendment to the Constitution of the United States.

Hollings amendment No. 3096, to propose a balanced budget amendment to the Constitution of the United States.

McConnell amendment No. 3097, in the nature of a substitute.

Mr. HATCH. Mr. President, today the Senate must decide whether this is freedom or the abuse of freedom—this right here—evidenced by this picture of the flag being burned by a bunch of antiflag activists.

Mr. President, it comes down to this: Will the Senate of the United States confuse liberty with license? Will the Senate of the United States deprive the people of the United States of the right to decide whether they wish to protect their beloved national symbol, Old Glory?

Is it not ridiculous that the American people are denied the right to protect their unique national symbol in the law?

We live in a time where standards have eroded. Civility and mutual respect—preconditions for the robust views in society—are in decline.

Individual's rights are constantly expanded but responsibilities are shirked and scorned. Absolutes are ridiculed. Values are deemed relative. Nothing is sacred. There are no limits. Anything goes.

The commonsense testimony of R. Jack Powell, executive director of the Paralyzed Veterans of America, before the Senate Judiciary Committee in 1989 is appropriate here:

Certainly, the idea of society is the banding together of individuals for the mutual protection of each individual. That includes, also, an idea that we have somehow lost in this country, and that is the reciprocal, willing giving up of that unlimited individual freedom so society can be cohesive and work. It would seem that those who want to talk about freedom ought to recognize the right of a society to say that there is a symbol, one symbol, which in standing for this great freedom for everyone of different opinions, different persuasions, different religions, and different backgrounds, society puts beyond the pale to trample with.

We all know that the flag is one overriding symbol that unites a diverse people in a way nothing else can or ever will. We have no king. We have no State religion. We have an American flag.

Today, the Senate must decide whether enough is enough. Today, the Senate must decide whether the American people will once again have the right to say, if they wish to, that when it comes to this one symbol, the American flag, and one symbol only, we draw the line.

The flag protection amendment does not amend the first amendment. It reverses two erroneous decisions of the Supreme Court. In listening to some of my colleagues opposing this amendment, I was struck by how many of them voted for the Biden flag protection statute in 1989. They cannot have it both ways. How can they argue that a statute which bans flag burning does not infringe free speech, and turn around and say an amendment that authorizes a statute banning flag burning does impinge free speech?

The suggestion by some opponents that restoring Congress' power to protect the American flag from physical desecration tears at the fabric of liberty is so overblown it is hard to take seriously. These overblown arguments ring particularly hollow because until 1989, 48 States and the Federal Government had flag protection laws. Was there a tear in the fabric of our liberties? To ask that question is to answer it—of course not. Individual rights expanded during that period while 48 States had the right to ban physical desecration of the flag.

I should add that the American people have a variety of rights under the Constitution. These rights include a right to amend the Constitution. The amendment process is a difficult one. The Framers did not expect the Constitution to be routinely amended, and it has not been. There are only 27 amendments to the Constitution. But

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the Framers of the Constitution did not expect the Senate to surrender its judgment on constitutional issues just because the Supreme Court rules a particular way.

The amendment process is there, in part, as a check on the Supreme Court and in an important enough cause. This is one of those causes.

Let me briefly address the pending amendments to Senate Joint Resolution 31. The McConnell amendment is a killer amendment. It would gut this constitutional amendment. It will completely displace the flag protection amendment should it be approved. A vote for the McConnell amendment is a vote to kill the flag protection amendment. Senators cannot vote for both the McConnell amendment and the flag protection amendment and be serious.

I say with great respect the Senator's amendment is a snare and a dilution. We have been down this statutory road before and it is an absolute dead end.

The Supreme Court has told us twice that a statute singling out a flag for special protection is based on the communicative value of the flag and, therefore, its misguided view violates the first amendment.

Even if one can punish a flag desecrator under a general breach-of-the-peace statute, the McConnell amendment is not a general Federal breach-of-the-peace statute. It singles out flag desecration involved in a breach of the peace. Johnson and Eichman have told us we cannot do that, we cannot single out the flag in that way. The same goes for protecting in a special way only one item of stolen Federal property, a Government-owned flag, or protecting in a special way only one item, a stolen flag desecrated on Federal property.

We all know why we would pass such a statute. Do any of my colleagues really believe we are going to fool the Supreme Court? Many of my colleagues, in good faith, voted for the Biden statute and the Court would not buy it. The Court took less than 30 days after oral argument and less than eight pages to throw the statute out, as they will this one.

They will do exactly the same to the McConnell statute. Even if the McConnell statute is constitutional—and it is not, with all respect—it is totally inadequate. Far from every flag desecration is intended to create a breach of the peace or occurs in a circumstance in which it constitutes fighting words.

Of course, many desecrated flags are neither stolen from the Federal Government nor stolen from someone else and desecrated on Federal property. Indeed, most of the desecrations that have occurred in recent years do not fit within the McConnell statute. Just as an illustration of its inadequacy, if the McConnell statute had been on the books in 1989, the Johnson case would have come out exactly the same way. Why? The Supreme Court said that the facts in Johnson do not support Johnson's arrest under either the breach-of-the-peace doctrine or the fighting words doctrine. Moreover, the flag was not stolen from our Federal Government. Finally, the flag was not desecrated on Federal property.

So the McConnell statute would not have even reached Johnson, and the case would have come out exactly the same. What, then, is the utility of the McConnell statute, as a practical matter, other than to kill the flag protection amendment?

The Biden amendment, on the other hand, insists if we are to protect the flag, we must make criminals out of veterans who write the name of their unit on the flag. If the statute that authorizes this had been enacted at the time, Teddy Roosevelt and his Rough Riders would have been criminals. Why? Because they put the name of their unit on the flag they followed up San Juan Hill, the flag which over 1,000 of their comrades died in protecting.

Moreover, the Biden amendment blurs the crucial distinction between our fundamental charter, the Constitution, and a statutory code. Read it. It actually puts a statute into the Constitution and, for the first time, I might add, says Congress can vote up or down on it if it wishes. We have not done that in the 206 years during which we have lived under the Constitution. We cannot do that to our Constitution today.

This same amendment was rejected 93 to 7 in 1990. It has not improved with age.

The two amendments by Senator HOLLINGS on the balanced budget and campaign finance reform are not relevant to the flag protection amendment and therefore are subject to a point of order. They should be debated and voted on at some other time, but do not destroy the flag amendment because of irrelevant matters on this occasion.

So, I urge my colleagues to support the flag protection amendment and reject the other amendments to be offered here today.

I reserve the remainder of our time and ask any time be divided equally.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent that 10 minutes in opposition be yielded to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I do not believe that we are going to get Americans to stop desecrating our flag as a consequence of amending our Constitution. I just do not believe it is going to happen.

I see the distinguished Senator from Utah has a picture, a very disgusting picture of a young man, I believe, a young boy, perhaps, burning an American flag. Much of the desire to pass this constitutional amendment comes, in fact, from our observation that in some isolated instances, young people, angry about something, will desecrate a flag to make a point. Thus, we say, let us protect ourselves from these acts by amending the Constitution or passing a statute at the State level or passing, in this case, now in an amended form, a law at the Federal level saying that it is now against the law to desecrate the flag.

The respect for the flag is something that is acquired. One makes a choice based upon an understanding of what the flag stands for, and that understanding does not come in some simple fashion. It does not come with a snap of our fingers: Amend the Constitution, pass a law, and thus, all of a sudden, young people all across the Nation—or adults, for that matter—will immediately acquire respect for the flag based upon knowing that they will be punished if they do not.

That is basically the transaction here. We are saying, either respect the flag or we will punish you by invoking the law and perhaps fining you. I do not know, maybe there will be a jail sentence attached, some mandatory minimum perhaps that will be associated with the new criminal law of desecrating the flag.

Let me be clear on this. Many people are very confused, because I heard some people say, "It is against the law to desecrate the dollar bill. Why is it not against the law to desecrate the flag?" It is against the law to desecrate our flag. You cannot go down to the Iwo Jima Memorial or Arlington or up on the hill where the Washington Monument stands and burn a flag that is owned by the people of the United States of America. This issue here, this concern here is with a flag that some individual owns.

If the suspicion occurs, under this new constitutional amendment—I assume enabling legislation will occur as a consequence—that somebody, in their home, is desecrating their flag, it will now fall to the police or to the Federal law enforcement officials, I suspect, depending upon how the statute is written, to go into the home to make sure that individual is not desecrating his or her flag. That is the kind of response we are going to have our law enforcement people now charged with the responsibility of making.

I understand. I have spoken many times with American Legion members in Nebraska who are very enthusiastic about this amendment, or Veterans of Foreign Wars members, or Disabled American Veterans members who are very concerned about the loss of respect. They are very concerned about the loss of character.

Indeed, one of the most impressive things in community service right now, that has been over the course of my life, has been American Legion effort,

and VFW and DAV effort, to provide programs for young people, to teach them the history of this country, to teach them about D-day, to teach them about what stands behind this flag, why this flag is so revered by those of us who have served underneath it. But we see in that moment, if it is Legion baseball or a VFW youth program, you see in that moment the kind of effort that is required to teach respect, for a young person to choose to acquire the character necessary to give the kind of reverence due the U.S. flag.

I know this amendment, now that it has been modified, stands an even better chance of passing. But make no mistake, there is going to be a consequence to this vote. This is not one of those deals where you just vote on it and say, Now I have kept faith with the American Legion, the VFW, the DAV, that have been lobbying very hard on it. There will be a consequence. We are going to pass a law and afterward there will be a law enforcement response. We are going to have an opportunity to measure, have we protected our flag as a consequence of amending the Constitution? Is there more reverence and respect? Do the young people of America now say, "Gee, now that Congress has amended the Constitution, passed a law, and provided an environment where it is going to be illegal for us to burn the flag, we are now going to respect the flag more"? I do not think so.

We see an increase today of consumption of illegal drugs by 12- and 13- and 14- and 15-year-old youth who are using marijuana, who are using cocaine, who are using illegal drugs. We already have a law on the books where they will suffer tremendous consequences.

There is a decline in character today with the youth of America for a whole range of reasons, but we are not going to reverse that decline by simply passing a constitutional amendment and issuing a press release saying that we respect the flag and all sorts of other glowing statements that we might make.

I made a list of things that I would put down if I was trying to determine whether or not an individual had acquired, through effort, through work, through discipline, real character. It is not easy to do it. It is not just respect, reverence of the flag; it is respect and reverence for adults, the older people who have served, who put their lives at risk at Iwo Jima, who put their lives at risk at Normandy, who put their lives at risk at the Chosen Reservoir, who put their lives at risk at Khe Sanh, who put their lives at risk in Desert Storm, who put their lives at risk in Bosnia, who put their lives at risk every single day they wear the uniform of the United States of America and train to fly a plane and train to do the work that we ask them to do to protect us.

There are 38,000 people today in South Korea, Americans serving this country, putting themselves at risk as the North Koreans continue to press.

We need to teach our young people what it means to serve, and guide them in the acquisition of character and making the choices necessary to have character. To have character means that you are obedient to something higher than your own willful desire to satisfy short-term concerns. Obedience is not easy. It is not easy to be obedient to your parents. It is not easy to be obedient to your country—to answer the call, and say you are going to give yourself to some higher authority. It is much easier to say, "Well, you know, freedom means to be willful. Freedom means to do whatever I want. It is not just burning a flag. If I want to consume marijuana, or consume cocaine, or do the opposite of what my parents tell me to do, that is what being free is all about. Freedom is not being obedient. That is to be a slave."

Well, Mr. President, we need to teach young people that the pathway to freedom, in fact, is to be obedient to something other than your own desire to satisfy some short-term concern, physical or otherwise. To be an individual that acquires character means that you pay attention to what is going on around you. You do not daydream. To pay attention requires effort to note life around you—to note the passing not just of time. But your own life requires you to pay attention.

We need to help our young people learn what is necessary to do that.

Third, I put down on my list of things for an individual to acquire character is that will have to learn to be considerate about others—not self-centered but considerate.

What the flag burning issue is all about—what the desecration issue is all about—is do not necessarily offend somebody. Do not offend them, not just by burning a flag, but by disrespecting their property rights, or disrespecting their right to speak. Be considerate of other people.

That is one of the things that one needs, if they are going to acquire character. But you need to be conscious of time, and aware of the gift of life.

All of us in this Chamber are old enough to have either been with somebody who is dying, or seen somebody lose their life. And we know how precious life is as a consequence of that loss. We have been with a parent, with a loved one, and have sat with them as the life left them. We have sworn that moment that we would never forget how precious life is. And we committed ourselves, at least for a short period of time, to change our ways, to abolish and banish the habits that cause us to behave in ways that we do not like and are not proud of.

One must acquire, in the words of Albert Schweitzer, "a reverence for life"—a respect for life as opposed to being not just disrespectful but perhaps destructive as well; but all of these things, and more besides.

I made a list this morning. There are others beside the elements of character that we are trying to teach our young people that cause us to be alarmed when we watch daytime television, that lead to our wanting to amend the Constitution to protect the one symbol, the one icon that tends to bind us together as a nation. All of us have had various experiences as a consequence of serving under that flag.

If you force people to respect the flag by amending our Constitution, or by passing a law, you are not going to have people respect the flag more. That is not the pathway to produce less desecration of the flag—something, by the way, that happens very little at all. It is not, in my judgment, a great threat to this country. What is a great threat to this country is when 40 percent of our youth do not know what the cold war was; when 50 percent do not know whether Adolf Hitler was an enemy in the Second World War; when a large percentage of people are unable to associate with any of the narrative of this country—any of the over 200 years of narrative of heroic adventures and life laid down for freedom that causes us in this moment to say, "Well, let us try to establish once and for all that we will have character in this country by amending our Constitution."

Mr. President, I again know there is great desire on the part of the Legion, the VFW, and DAV, and many other well-intended people who are concerned about the flag and want to protect the flag. To protect the flag takes us down a much different and a much more difficult road, one that I believe this country needs to follow. But I do not believe at all that we are going to increase the amount of respect that Americans have for their flag as a consequence of amending our Constitution. Indeed, I believe quite the opposite.

For those who think it is a fairly easy free vote—vote for it, and walk away—there will be consequences. We are going to amend laws. We are going to have the spectacle of people being arrested in their home, the spectacle of law-abiding citizens now being faced with all kinds of new charges and accusations that they do not respect the flag sufficiently.

Mr. President, I hope that there are 34 votes in this Senate to block this because I believe that the flag of the United States of America should not be politicized. And I believe it will—not by the well-intended Senators who are here today on the floor in support of this resolution, but by the actions that will occur as a consequence of this amendment.

Mr. President, I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I understand that the time of the opponents on this is controlled by Senator BIDEN.

The PRESIDING OFFICER (Mr. JEFFORDS). We are not certain who is controlling the time.

Mr. MCCONNELL. I am an opponent of the amendment, so I yield myself 20 minutes.

The PRESIDING OFFICER. Without objection, it will be charged to either side.

Mr. MCCONNELL. Mr. President, when we talk about the American flag, we usually do not think of it as an abstraction. It is not just a design on canvas.

For most of us, the flag means even more than the treasured symbol of our Nation.

Often, we think about a particular American flag we have seen or owned, and the special memories that surround that flag.

Some of us may remember the flag our fathers took out every Fourth of July and displayed from a makeshift flagpole.

Some of us may remember saying the Pledge of Allegiance to the flag in our first grade classroom.

Or we may recall the beautiful sight of an American flag in a foreign country, reminding us of home and safety.

Personally, I think of the American flag that sits on the mantle in my Senate office, folded up into a neat triangle.

There is not a day that goes by without me seeing that flag and thinking about it, if only for a minute or two.

I am very proud of that flag, because it was the flag that draped my father's coffin at his funeral, after he died of cancer in 1990.

For the rest of my life, I will remember seeing that flag and being so proud that my father had earned the right to have an American flag laid upon his casket—the highest military honor—by serving his country courageously in wartime.

My dad was a scout in the U.S. Army, fighting with the Allies in Western Europe during World War II.

D-day had come and gone, and the Germans were aggressively counterattacking, in the desperate hope that the Allies would lose heart and relent, allowing Germany to rearm and retain control over itself. This is what we came to call The Battle of the Bulge.

Being a scout was one of the most dangerous jobs in the Army, because you usually went out alone or in small groups, with minimal firepower.

And the whole purpose of being a scout was to find the enemy—to locate his position and strength, and then report that information back to the unit command.

Since you were virtually defenseless as a scout, you did not want to engage the enemy, but often that was unavoidable given the nature of the task.

In fact, my dad lost two-thirds of his company in one hellish night of fighting; and he himself came home with the Purple Heart.

But at least he came home.

Those were difficult and anxious times, but there was also great clarity of purpose in America's participation in World War II.

And as I look at that folded-up flag in my office, what strikes me over and over again is that my dad voluntarily went to war—risked his life like so many others of his generation—not because he was interested in acquiring a piece of European real estate, but because he believed in the cause of freedom.

Protecting America's freedom—and restoring the freedom of other nations—that is why my dad went to war.

United States Rangers scaled the cliffs of Normandy not to conquer, but to free. General MacArthur returned to the Philippines, not to conquer, but to free.

Even as we speak, American troops are deploying to Bosnia, not to conquer, but to bring freedom from centuries of ethnic violence and bloodshed.

Freedom is and always has been the great cause of America, and we must never forget it.

If we have learned one thing from the astonishing collapse of global communism, it is that freedom eventually wins out over tyranny every time. Ronald Reagan predicted it, and as usual, he was right.

Freedom is the most powerful weapon America has in a watching world. Preserving freedom—even when every impulse we feel goes in the opposite direction—sets an example for other nations to follow when their road to freedom gets rough.

If we allow ourselves to compromise on freedom, what can we expect young democracies like Russia and Ukraine to do, when they are faced with the difficult issues and decisions that freedom brings?

If we want to spread freedom, we need to stand for freedom—without equivocation or compromise.

Just as importantly, freedom is what will preserve our own democracy for the long run. Without freedom, America will cease to be America.

What does our freedom consist of?

Perhaps the most fundamental freedom is the first one enumerated in the Bill of Rights: the freedom of speech. And freedom of speech means nothing unless people are allowed to express views that are offensive and repugnant to others.

The freedom of speech that is protected by the Constitution is not about reaching consensus, it is about conflict and criticism.

Freedom of speech knows no sacred cows.

As all of us here are painfully aware, the high offices we hold provide no insulation from attacks by the media, even those that are completely unfair and inaccurate.

And as much as I do not like it at times, that is the way it ought to be.

As Justice Jackson wrote in the 1943 decision, West Virginia State Board of Education versus Barnette:

> If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters.

The reason we have a first amendment is that the Founders of this Nation believed that, despite all the excesses and offenses that freedom of speech would undoubtedly allow, truth and reason would win out in the end.

As one constitutional scholar put it, the answer to offensive speech is not more repression, but more speech.

To put it another way, the best regulator of freedom—as paradoxical as that sounds—is more freedom.

The Supreme Court also has made it clear that the first amendment does not protect just the written or spoken word.

That is because ideas are often communicated most powerfully through symbols and action.

We do it all the time in political campaigns.

For example, as I have cited on this floor many times, the Supreme Court has held that spending on political speech is constitutionally indistinguishable from the speech itself.

And because campaign spending is so closely linked to political speech—the core of the first amendment—the Court has held that mandatory campaign spending limits are per se unconstitutional.

But that is only one example where something that appears to be conduct has a clear expressive purpose that falls within the ambit of the first amendment.

So to categorize something as conduct doesn't fully answer the question of whether it is also speech, and therefore protected by the Constitution.

Of course, when we see hateful people desecrating the American flag, we are instantly repulsed by it.

It strikes at the core of our emotions.

And it is not only because we love the flag and all that it symbolizes to us; it is also because of what is being communicated by such foul behavior.

Those who willfully desecrate our flag are saying that America is a lousy country, that its faults are beyond repair, and that it deserves to be torn down and reviled.

They are also saying—and this is something I take particular offense at—that men like my father—who

spilled their blood to save America and liberate others—were involved in an unworthy cause.

Thus, burning the flag is a uniquely offensive way of disparaging their heroism and trivializing their sacrifice.

Ideas like these are not only reprehensible, they are also demonstrably false.

They are lies: lies about America, and lies about those who fought and died for our country.

Nevertheless, as divisive and distorted as these ideas are, as much as they deserve to be condemned, they are still protected by the first amendment.

The most revolutionary facet of our Constitution—what sets it apart from every other document in history—is that it confers its benefits not only on those who love this land, but also on those who hate it.

For years, people in other countries saw it as a weakness that we tolerated so much vitriolic dissent in America.

Now they are realizing it is our strength.

I think of the powerful testimony of Jim Warner, a prisoner of war in North Vietnam from 1967 to 1973, whom I had the privilege of meeting this year.

During his imprisonment, Jim had been tortured, denied adequate food, and subjected to over a year of solitary confinement.

When he was finally released, he looked up and saw an American flag. To use Jim's own words, "As tears filled my eyes, I saluted it. I never loved my country more than at that moment."

One can only imagine how much it grieved this patriot when a North Vietnamese interrogator showed him a photograph of some Americans protesting the Vietnam war by burning an American flag.

The interrogator taunted Warner by saying, "There. People in your country protest against your cause. That proves you are wrong."

But Jim Warner mustered every bit of strength he had and replied firmly, "No—that proves I am right. In my country we are not afraid of freedom—even if it means that people disagree with us."

As Jim tells the story, the North Vietnamese interrogator reeled back, "His face purple with rage * * *. I was astonished to see pain, confounded by fear, in his eyes."

Drawing on that incredible experience, Jim Warner wrote the following about the issue before us today:

> We don't need to amend the Constitution in order to punish those who burn our flag. They burn the flag because they hate America and they are afraid of freedom. What better way to hurt them than with the subversive idea of freedom? Spread freedom.
>
> When a flag was burned in Dallas to protest the nomination of Ronald Reagan . . . he told us how to spread the idea of freedom, when he said that we should turn America into a "city shining on a hill, a light to all nations."
>
> Do not be afraid of freedom, it is the best weapon we have.

"Spread freedom—spread freedom." If anything is a conservative creed, that is it.

That is why so many die-hard conservatives flatly reject the idea of a constitutional amendment to ban flag burning.

George Will called it a "piddling-fiddling amendment." Cal Thomas said it was "silly, stupid, and unnecessary."

The National Review editorialized against it twice, saying it would "make the flag a symbol of national disunity."

The College Republicans, in their newspaper the Broadside, argued that a flag burning constitutional amendment would not accomplish much of anything.

And Charles Krauthammer warned that it would "punch a hole in the Bill of Rights," concluding that, "If this is conservatism, liberalism deserves a comeback."

And what about the liberals?

Nat Hentoff wrote that a constitutional amendment to ban flag burning would itself be desecration of the flag and the principles for which it stands.

Barbara Ehrenreich wrote a hilarious essay in Time magazine, envisioning all the legal conundrums that a flag desecration amendment would create—especially in an age when flag motifs are used on everything from campaign bumper stickers to underwear.

At some point, flag desecration is in the eye of the beholder.

In all of these writings, from across the ideological spectrum, the theme is the same: to use Jim Warner's deeply-felt words again: "Spread freedom. Don't be afraid of freedom. It's the best weapon we have."

Let me conclude with a brief story. The night of September 13, 1814, was one of the darkest in our Nation's history.

The late Isaac Asimov wrote a fascinating account of this night, which was later published by Reader's Digest. I will attempt to summarize it:

Three weeks before that fateful September night, the British had succeeded in taking Washington, DC, and now they were heading up Chesapeake Bay toward Baltimore.

Their strategy was clear: if the British were able to take Baltimore, they could effectively split the country in two.

Then they would be free to wage war against the two divided sections: from the north, by coming down Lake Champlain to New England; and from the south, by taking New Orleans and coming up the Mississippi.

All that lay in the path of the British Navy was Baltimore. But first they had to get past Fort McHenry, where 1,000 American men were waiting.

On one of the British ships was an American named Dr. Beanes who had been taken prisoner earlier. A lawyer by the name of Francis Scott Key had been dispatched to the ship to negotiate his release.

The British captain was open to the idea, but they would have to wait; the bombardment of Fort McHenry was about to begin.

All through the night, Beanes and Key watched Fort McHenry being pummeled by cannon shells and rocket fire.

They were close enough in to hear the shouts and screams of men in mortal combat.

And all night long, they could see the American flag flying defiantly over the fort, illuminated by the bombs and explosions.

But when dawn came, the bombardment ceased and a dread silence fell over the entire battlescape.

Dr. Beanes and Francis Scott Key strained to see any signs of life from the battered ramparts of Fort McHenry.

And what they saw brought them incredible joy: despite the brutal onslaught of the night before, the American flag—torn and barely visible in the smoke and mist—still streamed gallantly over Fort McHenry.

The message was clear: the British were not going to get to Baltimore—and the war had taken a decisive turn in America's favor.

So let us get one thing straight: our flag survived the British naval guns at Fort McHenry.

Our flag weathered the carnage and cannon-fire of a national civil war.

Our flag still flapped angrily from the front deck of the U.S.S. *Arizona*—even after she had been blown in half and sunk at Pearl Harbor.

And our flag stood tall in the face of machinegun and mortar fire at Iwo Jima.

Make no mistake: this is one tough flag—and it does not need a constitutional amendment to protect it.

All it needs is hardy men and women who believe in freedom and have the courage to stand up for it, whatever the circumstances.

Then we can say together with confidence the words Francis Scott Key penned after that September night in 1814: "And the star-spangled banner in triumph shall wave O'er the land of the free and the home of the brave."

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I listened to my friend and colleague. And there are very few people I have as much admiration for as I do the distinguished Senator from Kentucky. I think he is a gracious man and wonderful Senator. He has led the fight on a lot of very good issues.

The McConnell amendment has two fundamental flaws that should convince anyone who supports Senate

Joint Resolution 31 or who wants to protect the flag to vote to reject the Senator's amendment. First, the Supreme Court will certainly strike down the statute as contrary to its decisions in Johnson and Eichman. Second, the McConnell amendment is so narrow that it will offer virtually no protection for the flag. The McConnell amendment would not even have punished Gregory Johnson, which is the cause celebre case that is really involved here, among others.

What message does that send about our society's willingness to defend its values?

The McConnell amendment's primary fault is that the Supreme Court, following its mistaken Johnson and Eichman decisions, will strike it down as a violation of the first amendment. Both Johnson and Eichman make clear that neither Congress nor the States may provide any special protection for the flag. Because the Court views the flag itself as speech, any conduct taken in regard to the flag constitutes protected expression as well.

As Prof. Richard Parker of Harvard University Law School concludes: "Since the flag communicates a message—as it, undeniably, does—any effort by government to single out the flag for protection must involve regulation of expression on the basis of the content of its message." So a careful reading of Eichman bears this point out. Even though the 1989 act was facially content-neutral, the Court found that Congress intended to regulate speech based on its content.

The McConnell amendment is not going to fool anyone, least of all the Supreme Court. Its purpose is clear: to protect the flag from desecration in certain, narrow instances. Unfortunately, the Supreme Court has said that the American people cannot do this, something they had a right to do for almost 200 years, a right they had exercised in 48 States and in Congress up to 1989, with the Johnson decision. Do we need a third Supreme Court decision striking down a third flag protection statute in just 6 years before the Senate gets the message?

Even if the Court were to find that the McConnell amendment was not intended to protect the flag from desecration, it will still find it unconstitutional. Under its decision in R.A.V. versus City of St. Paul, the Court will strike down any statute that draws content-based distinctions, even if, as in R.A.V., those distinctions are made within a category of unprotected speech. Thus, even though fighting words or words that incite a breach of the peace are unprotected, Congress cannot prohibit only certain types of speech within these areas of unprotected speech. However, it is this that the McConnell statute impermissibly does.

In fact, the Court in R.A.V. made clear that this doctrine would be applied to any flag protection statute. As Justice Scalia wrote for the Court: "Burning a flag in violation of an ordinance against outdoor fires could be punishable, whereas burning a flag in violation of an ordinance against dishonoring the flag is not." Since the McConnell amendment is not a law of general applicability, but instead is one that singles out the flag for protection, it will be held to be unconstitutional by the Court.

Mr. President, the McConnell amendment is so narrow that it would not even have punished Gregory Johnson for his desecration of the flag. And in Johnson—this is a pretty good representation of what Johnson and others did.

In Johnson, the Court held that unless there was evidence that a riot ensued, or threatened to ensue, one could not protect the flag under the breach of the peace doctrine. Small protection, that. Do we really want to limit protection of the flag only to those narrow instances when burning it is likely to breach the peace? I think not.

Even if sections (b) and (c) of the McConnell amendment could survive constitutional scrutiny, which I do not believe they can, they are no substitute for real flag protection. Only those who steal and destroy flags that belong to the United States, or only those who steal the flag from others and destroy it on Government property, can be punished under the McConnell amendment. Gregory Johnson did not steal his flag from the United States; it was stolen from a bank building. He did not burn his stolen flag on Federal property. He burned it in front of city hall. If the amendment would not punish Gregory Johnson, who will it punish?

Adoption of the McConnell amendment will amount to the Government's unintended declaration of open season on American flags. Just do not burn it to start a riot. Just do not steal if from the Government. And just don't steal it and then burn it on Government property. Otherwise, the McConnell amendment declares, flag burners are free to burn away, just like they did on this occasion, represented by this dramatic photograph that is true.

Mr. President, I yield the floor.

Ms. MIKULSKI. Mr. President, I support and cosponsor the MCCONNELL amendment to ban flag burning. I oppose the burning of our U.S. flag. I oppose it today just as I always have.

Mr. President, I feel very strongly about this issue. I have voted for legislation to prohibit flag burning, and I have voted against amending the U.S. Constitution.

But, more than any other time in the past, I have grappled with today's vote to amend the Constitution to stop flag burning. This time the debate is different.

I truly believe that our Nation is in a crisis.

Our country is in a war for America's future. It's that's being waged against our people, against our symbols and against our culture. And I want to help stop it.

I firmly believe that we need a national debate on how to rekindle patriotism, values, and civic duty.

And if there is a way to do that, then I am all for it. It's important to me, and it's important to the future of our Nation.

Mr. President, I do not—and never have—intended or wished to inhibit America's freedom of speech. In fact, the first amendment—and others—got me where I am today.

I feel so strongly about this issue that I seriously considered supporting an amendment to the Constitution.

But, my colleague from Kentucky has offered an alternative to amending the Constitution that would protect the flag and protect the Constitution. I will support that alternative approach today.

Senator MCCONNELL's proposal does not amend the Constitution, but it will get the job done by punishing those people who help wage war against the symbol of this country and everything it stands for.

I know that we have gone down this road before by passing statutory language to ban flag burning only to have the Supreme Court overturn it. But, the McConnell amendment should pass constitutional challenge.

If there is a way to deal with and punish those who desecrate our U.S. flag without amending the Constitution, I am all for it. That is why I support the McConnell amendment.

The McConnell amendment says you cannot get away with abusing the flag of the United States. It means that you can't get away with using the flag to incite violence. The McConnell amendment says you can't use this Nation's symbol of freedom and turn it into a symbol of disrespect.

The McConnell amendment stands for the same things I do. It protects the principles embodied in our Constitution—as well as our U.S. flag.

Mr. SIMPSON. Mr. President, my remarks will last a very few moments. I believe the Senator from Virginia was here before I was and is seeking recognition.

The PRESIDING OFFICER. Does the Senator wish to speak in opposition?

Mr. SIMPSON. No. I will be speaking in accordance with the flag amendment desecration, with Senator HATCH.

Mr. HATCH. I yield 5 minutes to the distinguished Senator from Wyoming.

Mr. SIMPSON. Mr. President, I would like to make certain very brief comments on this pending resolution. For a number of years, I have listened and been content—well, not always content, but I have listened—to the heated debate surrounding this amendment, and I now feel compelled to interject

some rich personal thoughts of my own.

Many of the comments I have heard that are taking issue with this plan to amend the Constitution center around the issue of free speech. Opponents claim that if the flag desecration amendment is adopted, it will chill free speech, or will mean that a small majority will be free to determine exactly what activities constitute desecration. What these often self-proclaimed champions of free speech forget is that certain forms of speech are already regulated, including that category of speech known as fighting words.

Back in the 1950's, I was honored to serve my country in the U.S. Army. I served in the infantry in Germany for 2 years, in the 10th Infantry Regiment of the 5th Division, and with the 2d Armored Division, "Hell on Wheels," serving with the 12th Armored Infantry Battalion. Every single day for over 2 years, I got up in the morning and I saluted that flag, marched in military parades behind it, maneuvered with it on the front of an armored personnel carrier, and was ready to die for it. All of us who served in the military did that, for that was our mission.

So when I see someone who has never been in the military—oftentimes you see that—and someone who does not have a shred of respect for the country, but much cynicism—throw a flag on the ground and urinate on it, or burn it, and claim he or she is exercising his or her right to free speech, it does rise to the level of fighting words to me, in my book. And I would surely be willing to bet it does in the books of a lot of other law-abiding citizens of this great country.

That is where I am coming from, and there are those who have served in the military and those who feel just as strongly on the other side, and I respect those views. But I do have a lot of trouble with people who were never in the military and hearing them express themselves on the issue on either side. That is clear, in my mind. So I more deeply respect the views of those who have worn the colors, who feel just as strongly on the other side, but I have great trouble listening to the prattle of those who have never even served in the Civil Air Patrol.

Recently, I read an article on flag desecration by Paul Greenberg in the July 6 copy of the Washington Times. He made several points I think bear reiterating. He claims, in a witty and substantial style, that "our Intelligentsia" have done their level best to "explain to us yokels again and again that burning the flag of the United States isn't an action, but speech, and therefore a constitutionally protected right," and they cannot understand why a vast majority of the American public continues to want this amendment.

I agree with his conclusion that "it isn't the idea of desecrating the flag that the American people propose to ban." Anyone is free to stand and to state how much they detest the flag, hate the flag and all that it stands for. "It's the physical desecration of the flag of the United States that ought to be against the law."

I could not agree more. For as Mr. Greenberg states so eloquently, some things in a civilized society should not be tolerated—such as vandalizing a cemetery, scrawling anti-Semitic slogans on a synagogue, scrawling obscenities on a church, spray-painting a national monument or, surely, for that matter, burning of the American flag. It really ought to be as simple as that. Period.

Thank you, Mr. President.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I yield myself 5 minutes against the time chargeable to those who oppose the amendment.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. ROBB. Mr. President, I rise with a degree of reluctance because I'm taking the opposite side from so many friends, and veterans, and those who believe very strongly that we ought to have some constitutional protection for the flag.

But I myself feel very strongly that this would be the wrong move for us to make.

I, like many of our fellow Senators, served in the armed services. I served in combat. I am one of those who has always respected the flag. I never fail to rise to render appropriate honors. Indeed, like all others who served, I was willing to die for our flag if necessary—or for the underlying freedoms that our flag represents. And yet I believe that this amendment moves in the wrong direction.

We already have in place rules and regulations and statutes that prohibit desecration of our flag under certain circumstances. If the flag that is being burned does not belong to the individual that is burning it, there are already laws in place to cover that kind of physical destruction—or desecration. If the flag is being burned for the purpose of inciting a riot, or anything along those lines, there are already laws in place to prohibit that kind of activity.

Indeed, the manual that we have on our flag talks about the proper way to dispose of a flag. It is listed under "Respect for the Flag." Section 176, paragraph K talks about the proper way to dispose of a flag that has been rendered no longer useful, one that is either tattered, torn, damaged, or somehow rendered less than an appropriate symbol of our country. The appropriate way to dispose of that flag is to burn that flag.

The difference that we are talking about with this amendment is the difference between an act and an expression of opinion, of speech. And it is in precisely those circumstances where the flag is burned to convey a message that the freedom that the flag represents—the basic democracy of this country—is challenged.

We nominate for the Nobel Peace Prize many in other countries who stand up to dissent peacefully against their government, who say that they believe their government is wrong for whatever reason. We have nominated, or others have nominated, everybody from Aung San Suu Kyi in Burma, who has just been released, to Nguyen Dan Que in Vietnam, Wei Jing Sheng in China, Nelson Mandela in South Africa, many in the former Soviet Union that were honored because they spoke up and spoke out.

And it is precisely when an individual is threatened by his or her government when he or she begins to speak out, that basic freedoms and democracy are most threatened. We know that the first sign that freedom or democracy is in trouble anywhere around the world is when the government starts locking up dissenters, when the freedom of the people to express their political opinions is stifled. And this is the distinction—the distinction between an act and a message—that I hope that we will be able to make when we consider this amendment.

The acid test of democracy is whether or not we can speak out in peaceful dissent against our Government without fear of being arrested, or prosecuted, or punished. And in this case, the amendment goes directly to the heart of that freedom.

Now I know that many who support this amendment—many of my fellow Senators, many other Members of Congress, and certainly leaders of veterans organizations, and others around this country—have a very noble cause and purpose. But I happen to believe that cause and purpose—that expression of devotion to our country—is best served if we don't amend the Constitution in this case.

Now I am not one that is arbitrarily opposed to amending the Constitution, but in this situation the amendment goes directly to the heart of what that Constitution protects for us and for all of our citizens.

So I would respectfully urge all of my colleagues to think long and hard with all due deference to their patriotism and resist the temptation to amend our Constitution in a way that would significantly undermine precisely the freedoms and the democracy that we seek to protect.

With that, Mr. President, I yield the floor and I thank the Chair.

Mrs. MURRAY. Mr. President, as an American, and the daughter of a disabled veteran, I take deep pride in our great Nation. To me, the flag symbolizes our strength, our democracy, and our unprecedented freedoms—freedoms

that set us apart from every other country in the world. Our Constitution guarantees all of us this freedom, including the right to free speech. I believe we should be very cautious about altering this document, because to do so alters the fundamental ideals on which our country was built.

I am deeply troubled by the implications of this proposal; namely, that some people believe it is now necessary to force Americans to respect their flag by enacting legislation demanding they do so. That is wrong and unnecessary. I do not believe this constitutional amendment will result in Americans having greater respect for authority, for our Government, or for our flag. Rather, I believe this amendment reinforces the idea that reverence for one's country and the symbols of one's nation must be imposed by law. And, I do not think that is what the American people need, nor do I believe this principle is consistent with our Nation's history of uncoerced respect for our country and flag. Instead, I hope parents will instill in their children, just as I have in mine, a deep respect for the flag. I also pray our Nation will never again be so divided that burning the flag becomes popular or acceptable.

But it is my father who spoke most directly to my heart on this issue. In World War II, my father fought for this Nation in the Pacific theater. He was wounded in battle and some doctors believe that the shrapnel in his leg may even be the cause of the multiple sclerosis from which he has suffered for the last 30 years. When I asked him his feelings about this constitutional amendment, he was saddened and offended. He explained that he had not fought for the U.S. flag; he had fought and suffers still for the freedom that our flag symbolizes. That freedom is what this Congress may vote to limit.

Mr. President, for the ideals embodied in our Constitution, for the respect I have for all our flag represents, and most personally, for my father's sacrifices, I will vote against this amendment.

Ms. MIKULSKI. Mr. President, I am deeply concerned about the desecration of the U.S. flag because of what it says about our culture, our values and our patriotism. But I must vote against this amendment to the U.S. Constitution.

Mr. President, I absolutely do not support the desecration of our flag. In 1989, I voted for legislation to prohibit flag desecration. And I regret that law was declared unconstitutional by the Supreme Court.

I not only support the flag. I support what the flag stands for. Our flag stands for our Constitution. The meaning of our flag is embodied in our Constitution—especially the first amendment.

Today, I continue to oppose the desecration of our flag, and I call on Americans to rekindle their patriotism, their values, and their civic duty.

I ask with all the passion and patriotism in me, that those who speak about constitutional rights, who talk about their freedom of speech, who talk about their freedom of expression—that they exercise community responsibility.

By community responsibility, I mean that each person take the right you have to speak, to march, and to organize, but remember when we desecrate symbols, we desecrate each other.

I do not wish to inhibit freedom of expression. But I want us to live in a culture that calls people to their highest and best mode of behavior. But we are not doing that in our society today.

We cannot build a society for the 21st century that advocates permissiveness without responsibility. For every right there is a responsibility. For every opportunity, there is an obligation.

I am very frustrated about what is going on in our country. I believe there is a war being waged—against our people, against our symbols, and against our culture.

When I go into the neighborhoods, moms and dads tell me that the toughest job in this country today is being a parent, providing for their families and teaching their children the values of our society.

Love your neighbor; love your country; be a good kid; honor your father and your mother; respect each other. These moms and dads feel that no one is looking out for them. The very values they teach in the home are being eclipsed and eroded by the culture that surrounds us. And some children do not even get that much attention.

We should—and need to—have a national debate on these issues.

But we cannot change the culture by changing the Constitution. We change the culture by living the Constitution—by speaking out responsibly and by organizing. I support amendments to expand the Constitution, not constrict it.

Mr. President, I am a U.S. Senator because of amendments to the Constitution—amendments that allowed me to organize and to speak—amendments like the 1st amendment and the 19th amendment.

The first amendment allowed me to speak up and speak out in protest to save a Baltimore community whose homes were about to be leveled for a 16-lane highway.

We organized. We protested. We exercised free speech. I challenged the thinking of city hall and all the road planners. The community liked what I was saying. I spoke for them and their frustrations, and they encouraged me to run for political office.

That experience took me into neighborhoods where they said no woman could win. But, I did. And the 19th amendment—which gave women the right to vote—helped me get here. And I made history. That happened because of amendments to the Constitution.

So, I know the power of the Constitution. And I know the power of amending it.

But all the past amendments have expanded democracy and expanded opportunity. This amendment we consider today would constrict the very freedoms that have allowed me to be here.

Mr. President, I am thankful to the people of Maryland who sent me here, and America's veterans should know today I am voting for what they fought for and all the people who work every day to make our country great.

Yes, I believe we can and should have a law to end the desecration of our flag. Yes, we need more community responsibility, more patriotism, more civic participation, values, and virtue.

I hope to cast my vote today to continually use the Constitution to expand democracy and not to constrict it.

Now is not the time to change the course. Now is not the time to tamper with laws, precedents and principles that have kept us in good stead for two centuries.

Mr. President, I take amending the Constitution very seriously, and I will not vote today to change it.

Mr. HATFIELD. Mr. President, I support Senate Joint Resolution 31, the Flag Protection and Free Speech Act of 1995, introduced by the distinguished chairman of the Judiciary Committee, Senator HATCH. Let me compliment my friend from Utah for his steadfastness on this complex and at times emotional issue.

As one who saw the Stars and Stripes go up at Iwo Jima, I can say I share the feelings of pride for our flag that have been sincerely expressed by Senators on both sides of this debate. If the flag symbolizes this Nation and the freedoms it provides, the Constitution is the living legal document under which this nation was created and pursuant to which those freedoms are guaranteed. While I have consistently supported legislative measures to protect the flag from those misguided souls who would deface it, I have been reluctant to amend the Constitution to do so.

Unfortunately, it appears that passage of an amendment to the Constitution is the only avenue available to address this problem given the fairly clear decisions that have been issued by the Supreme Court on this precise legal point. In June 1989, the Supreme Court handed down the landmark decision of Texas versus Johnson, in which it overturned a Texas statute punishing flag desecration on the grounds that it violated the free speech protection guaranteed by the first amendment to the Constitution. This holding had the effect of overturning 48 State flag desecration statutes, including the Texas statute, and one Federal statute.

In October of that same year, this body passed the Flag Protection Act in direct response to the Johnson case. Legal scholars, including Harvard's Lawrence Tribe, advised Congress that the statutory approach being considered would pass constitutional muster. I supported this statutory effort and opposed the constitutional amendment voted on later that month.

On June 11, 1990, the Supreme Court, in U.S. versus Eichman, struck down the flag protection statute which I had supported the prior year. On June 26, 1990, the Senate failed in its attempt to assemble the two-thirds margin necessary to pass the constitutional amendment. However, on this occasion I voted in favor of the constitutional amendment because of the direct rejection of the statutory approach by the Supreme Court.

I intend to support Senate Joint Resolution 31 when it is voted on this week. While I will continue to listen to the arguments in favor of and against the amendment proposed by my friend from Kentucky, Mr. MCCONNELL, I am not convinced it would be upheld by the Supreme Court. Furthermore, I am concerned that it would apply only in rare cases and thus leaves too great a loophole for those who wish to deface the flag.

Mrs. BOXER. Mr. President, this is an important debate we are undertaking here today, in the Senate, because it focuses on changing the cornerstone of American democracy: the U.S. Constitution.

The Constitution's principles transcend the few words which are actually written. Hundreds of thousands of American men and women have made the ultimate sacrifice in defense of these principles. And this remarkable, living document continues to inspire countless others struggling in distant lands for the promise of freedom.

In the 204 years since the ratification of the Bill of Rights, we have never passed a constitutional amendment to restrict the liberties contained therein. In our Nation's history, we have only rarely found it necessary to amend the Constitution. There are only 27 amendments to the Constitution—only 17 of these have passed since the Bill of Rights.

The first amendment to the Constitution states:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.

The amendment before us would create a new constitutional amendment to enable the Congress to prohibit the physical desecration of the U.S. flag.

Desecration of the flag is reprehensible. The issue for me is since there are countless examples of actions and speech which are, in my opinion, morally reprehensible, are we starting down a path that will lead to amendment after amendment to the Constitution—changing the very nature of that magnificent document. Some of these reprehensible areas for me are: Shouting obscenities at our men and women in uniform; burning a copy of our Constitution or the Declaration of Independence; speaking obscenely about our country or its leaders; demeaning our Nation in any way; burning the Bible; vile speaking about religion or God; and denigrating the Presidency as an institution, no matter who is in office.

All these things are vile to me and I have nothing but contempt for people who do such things. But, I think the question is this: Is it necessary for the greatest Nation in the world to amend the greatest document in the world to outlaw each of these offenses?

The passage of a constitutional amendment to prohibit flag desecration is a priority for this Republican Congress. The House of Representatives led the charge by passing the constitutional amendment in June.

So, I say to my colleagues here in the Senate: We have a choice to make. Do we stand behind Speaker NEWT GINGRICH and the House of Representatives? Or do we stand with the Founding Fathers? I, for one, choose to stand with the Founders—Thomas Jefferson, James Madison, and Ben Franklin, among others.

I believe that many flag burnings can be addressed by existing constitutional statutes passed by the States and localities to prohibit or limit burning and open fires. States and localities have the ability to enforce these fire code provisions, thereby prohibiting or limiting incidents of flag burning for valid safety reasons.

For example, in the city of San Francisco, the city fire code contains a general ban on open burning. It states:

> It shall be unlawful for any person to ignite, kindle, light or maintain, or cause or allow to be ignited, kindled, lighted, or maintained, any open outdoor fire within the city and county of San Francisco.

In the cities of Chula Vista in San Diego County and Fountain Valley in Orange County, CA, open burning may only be conducted by notifying the fire department or obtaining a permit. An individual who fails to comply with the code can be found guilty of a misdemeanor.

In addressing open fires, the fire prevention code of New York City, states:

> It shall be unlawful for any person to kindle, build, maintain or use a fire upon any land or wharf property within the jurisdiction of the city of New York.

Violation of the code results in money fines or imprisonment.

So, it is clear that authority already exists for States and localities to control or limit the burning of flags under their ability to protect the safety of their residents. And while this only covers one form of desecration—burning—where a flag being desecrated belongs to someone else, or the United States, State laws against larceny, theft, or destruction of public property can be invoked against the offender.

In addition, S. 1335, the Flag Protection and Free Speech Act of 1995, introduced by Senators MCCONNELL, BENNETT, and DORGAN, would create new statutory penalties for damage or destruction of the flag. I support S. 1335 as an effort to punish the reprehensible conduct of flag desecration in a manner consistent with the Constitution.

S. 1335 would criminalize the destruction or damage of the flag in three circumstances. Where someone destroys or damages the flag with the intention and knowledge that it is reasonably likely to produce imminent violence or a breach of the peace, under S. 1335, such actions would be punishable with fines up to $100,000 and 1 year of imprisonment.

The McConnell legislation also creates stiff new penalties where an individual intentionally damages a flag belonging to the United States, or steals a flag belonging to someone else and damages it on Federal land. In either situation, the individual could be subject to penalties of up to $250,000 in fines and 2 years of imprisonment.

By creating tough criminal penalties for desecration of the flag through statute, we punish reprehensible conduct without having to amend the Constitution. Moreover, in a Congressional Research Service analysis of the Flag Protection and Free Speech Act of 1995, the American Law Division opined that S. 1335 should survive constitutional challenge based on previous Supreme Court decisions.

Mr. President, desecration of one of our most venerated objects —the American flag—is deeply offensive to me and most Americans. But I do not believe we need to modify our Constitution in order to protect the flag. We can protect the flag with existing laws and through the enactment of new criminal penalties for damage and destruction of the U.S. flag without having to alter our guiding document, the U.S. Constitution.

Mr. KERRY. Mr. President, I went to Vietnam because another Congress told me I had to go to protect freedom—including the first amendment—and defeat communism. I went; and I am honored to have served, but, here I am—today—forced to come to the floor of the U.S. Senate to fight for freedom once again and engage my colleagues in a debate about a flag burning amendment.

Those same colleagues—on one hand—want to amend the first amendment for the first time in 200 years and abridge our most basic freedom in the name of patriotism—and on the other—

cut benefits for veterans which is—in my view—the most unpatriotic thing we can do.

This is the ultimate irony.

Over the last few months—they have come to this floor with endless speeches about preserving this democracy—their agenda does exactly the opposite. It dishonors veterans with the most destructive budget to veterans that I have ever seen in my years here. My Republican colleagues came to the floor with Medicaid cuts this year that would have eliminated coverage for 4,700 Massachusetts veterans—2,300 of them under the age of 65, disabled, and ineligible for Medicare coverage. The remaining 2,400 are over 65 and 1,200 of them are in nursing homes.

Mr. President, if we vote to amend the Constitution and raise the symbols of this Nation to the level of freedom itself, and we chip away at the first amendment to protect the flag—then what next? What other symbol do we raise to constitutional status? We all have special symbols to us that represent America and democracy, but to give them constitutional status is, at best, an extraordinary overreaction to a virtually nonexistent problem. According to the Congressional Research Service there were three—count them—three—incidents of flag burning in the United States in 1993 and 1994. That is not exactly a major problem in our country.

Even Roger Pilon of the Cato Institute, in a recent editorial, said that, and I quote:

> This issue is left-over from the dimmest days of the Bush administration, when a desperate grasp for symbols masked an abject want of ideas.

And it was Ronald Reagan who said, as my colleague from Kentucky, Senator MCCONNELL, pointed out in his editorial yesterday in the Washington Post, "Don't be afraid of freedom; it is the best weapon we have." But here we are again—debating a constitutional amendment to abridge that freedom.

Mr. President, I, like everyone in this Chamber, abhor seeing anyone burning the flag under any circumstances. It hurts me to see it. It has always hurt me. I thought it was wrong in the Vietnam era, just as I do now, but I never saw the act of flag burning—nor could I ever imagine seeing it—as unconstitutional. To burn the flag is exactly the opposite—it is the fundamental exercise of constitutional rights—and we cannot fear it, stop it, or set a precedent that abridges basic freedoms to show our outrage about it.

What we must do is tolerate the right of individuals to act in an offensive, even stupid manner.

Mr. President, as a former prosecutor I know that most flag burning incidents can be prosecuted under existing law. If a person burns a flag that belongs to the Federal Government—that constitutes destruction of Federal property, which is a crime.

Mr. President, 54 years ago last week, was the day that Franklin Roosevelt said would "live in infamy."

And I ask: Do we honor those who have served their country so ably, so bravely—do we honor our veterans by changing the first amendment, by trimming out fundamental freedoms they fought for?

In fact, I suggest that if we pass this constitutional amendment, this day will go down—once again—as a day that will live in infamy. For it will be the day when the greatest country on Earth limited the basic freedoms because of the stupid, incentive, hurtful acts of a very few people on the fringes.

We are better than that, Mr. President. We are smarter than that. We are smart enough to honor our Nation, our liberty, and our veterans without sacrificing our freedom.

In the final analysis, I think if Congress and the country want to do something serious to help our veterans, then we should focus on the quality of veterans benefits, the ability of veterans to have access to health care—on the POW/MIA issue and issues like agent orange. These are the serious bread-and-butter and health issues for those who sacrificed so much for America, and I'm working hard to make sure that America keeps its contract with our veterans.

But I do not believe that keeping the faith with our veterans means changing the first amendment for the first time in 200 years.

Mr. President, the Constitution is hardly a political tool to be pulled from the tool chest when someone needs to tighten a nut or a bolt that holds together one particular political agenda.

This is not an easy vote for me. I've been told that there are veterans in my State—in Massachusetts—who feel so strongly about this issue that they will follow me all over the State if I vote against this amendment; but let me make it very clear that to me the flag is a symbol of this country, it is not the country itself. The Bill of Rights is not a symbol; it is the substance of our rights—and I will not yield on that fundamental belief and I will not yield in my deep and abiding commitment to the men and women who served this country and sacrificed so much for the freedoms symbolized by the Stars and Stripes.

I thank my colleagues and I yield the floor.

Mr. DODD. Mr. President, the Members of this body should not risk the desecration of our Constitution simply to express outrage against those who desecrate the flag.

The issue before us today has absolutely nothing to do with condoning the behavior of those few who choose to defile one of our most cherished national symbols. Every Senator is troubled when someone burns, mutilates, or otherwise desecrates an American flag. There is no question about that. The issue is whether we tinker with the Bill of Rights in an attempt to silence a few extremists who openly express their contempt for our flag.

I am very reluctant to amend our the Constitution. In over 200 years, we have only amended that fundamental text 27 times, and we have never amended the Bill of Rights. In my view, we should not risk undermining the freedoms in the Bill of Rights unless there is a compelling necessity. I do not believe that the actions of a few flag burners has created that necessity.

Throughout our history we have recognized that the best remedy for offensive speech is more speech, and not a limitation on the freedom of speech. Supreme Court Justice Oliver Wendell Holmes expressed this idea very eloquently in his opinion in *Abrams* v. *United States*, 250 U.S. 616, 630 (1919):

> [W]hen men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out.

Clearly, flag burning has not fared well in the marketplace of ideas. Across this country, Americans are quick to express their disdain for those who desecrate the flag. The powerful symbolic value of our flag remains unscathed.

In the past, I have supported Federal statutes designed to balance the need to protect the flag with the freedom of speech. In 1989, I joined with other Members of Congress to help pass the Flag Protection Act. In my view, that legislation was a measured response to this issue. Regrettably, the Supreme Court struck down that statute in United States versus Eichman.

This year, Senator MCCONNELL has offered a more narrowly crafted measure. I will support that amendment and I urge my colleagues to do the same. We should continue to try to address this issue statutorily, rather than through the more dramatic step of amending the Constitution.

In closing, I urge my colleagues to oppose this effort to amend the Constitution. We should continue to speak out against those who would desecrate the American flag, but we should not weaken its power by undermining the freedoms for which it stands.

Mr. PELL. Mr. President, today, the Senate is undertaking the solemn task of the considering an amendment to our Nation's Constitution. Indeed, the proposed language we are considering would, according to the Supreme Court and numerous legal observers, amend the Bill of Rights, the very core of personal liberties and freedoms enshrined and protected in our national charter.

The Congress has considered this issue before and while it has assented to statutorial protection of the flag, it rejected amending the Constitution for the same purpose, positions that I supported. I do so again today, believing that the our flag should be cherished and revered and find deliberated acts to desecrate it offensive. I also believe that the flag can be protected without infringing upon our first amendment guarantee of free expression.

In the Congress' last attempt to do so our approach was rejected by the Supreme Court. I believe that this time, however, the more carefully constructed statutes protecting the integrity of the flag offered by Senators BIDEN and MCCONNELL today stand a much better chance of passing constitutional muster and hope that my colleagues will join me in supporting them.

However, when it comes to amending the Constitution to prohibit flag desecration, I simply believe that that approach goes too far. The principles enshrined by our Founding Fathers in the Bill of Rights have not been altered in over 200 years and I cannot support the effort to do so here. Make no mistake: I love and respect the American flag and all that it symbolizes. Nevertheless, as I have often said, I simply believe that our flag will wave more proudly if as we seek to protect it, we also protect the Bill of Rights.

Accordingly, I cannot support the proposed constitutional amendment to prohibit flag descration.

Mr. BRADLEY. Mr. President, our American flag is best protected by preserving the freedom that it symbolized. I cannot support a constitutional amendment that would limit that freedom. At the same time, I believe that anyone who burns the American flag is an ungrateful lowlife who fails to understand how special and unique our country is, and I tremendously respect those New Jerseyans who support this amendment and have urged my support with great dignity and conviction.

Like most Americans, I revere the flag as a symbol of our national unity. I want it protected from abuse. That is why I strongly supported the Flag Protection Act of 1989, which sought to punish those who would destroy our flag. That is why I regretted the Supreme Court's subsequent decision in United States versus Eichman, which declared the law in violation of the first amendment. That is also why I enthusiastically support and today urge passage of another law that would make it illegal for someone to burn a flag, if the act itself would incite violence.

In our system, the first amendment is what the Supreme Court at a particular time says it is. The Court has said that the Flag Protection Act violates freedom of expression. A future Supreme Court may reverse that decision. Although I wish the Supreme Court had ruled the other way, it did not. The question now is whether protecting the flag merits amending the Bill of Rights.

In making the decision to oppose this amendment, I consulted my heart and my mind. My heart says to honor all those who died defending American liberty. My heart conjures up images of the marines holding the flag on Iwo Jima, the crosses in the fields at Flanders, the faces of friends who never came back from Vietnam.

My heart says, what a nation believes in, what it will preserve, what it will sacrifice for, fight for, die for, is rarely determined by words. Often people cannot express in language their feelings about many things. How do I know?

Because I struggle with it every day.

Remember the pain you felt when the *Challenger* exploded before your eyes? Remember the joy you felt when World War II and the Korean war ended? Remember the shock you felt when you learned of the assassinations of President Kennedy and Martin Luther King? Remember the feelings of attachment you have for the Lincoln Memorial, the Statue of Liberty, the U.S. flag?

These are symbols and shared memories for places, events, and things that tie us to our past, our country, and to each other, even when there are no words at all. When someone gives respect and recognition to them, we are moved, sometimes to tears. When someone demeans them or shows disrespect, we are outraged.

My heart says honor the flag, and I do. My mind says, when our children ask why America is special among the nations of the world, we tell them about the clear, simple words of the Bill of Rights, about how Americans who won our independence believed that all people were blessed by nature and by God, with the freedom to worship and to express themselves as they please. We found these truths to be self-evident before any other nation in the world did, and even before we created the flag to symbolize them.

Our Founding Fathers believed that fundamental to our democratic process was the unfettered expression of ideas. That is why the amendment that protects your right to express yourself freely is the first amendment, and politicians should never put that right at risk.

Now if this constitutional amendment passes, we will have done something no Americans have ever done—amended the Bill of Rights to limit personal freedom.

Even if you agree with the flag amendment, how can you know that the next amendment will be one you will like? You cannot. So let us not start. Once you begin chipping away, where does it stop? Do not risk long-term protection of personal freedom for a short-term political gain.

America's moral fiber is strong. Flag burning is reprehensive, but our Nation's character remains solid. My best judgment says we are in control of our destiny by what we do every day. We know the truth of Mrs. Barbara Bush's words that America's future will be determined more by what happens in your house than by what happens in the White House.

I have traveled America for over 25 years. I know we still have standards, insist on quality, believe in hard work, honesty, care about our families, have faith in God.

A rapidly changing world looks to us to help them define for themselves what it means to be free. Our leadership depends more than ever on our example. This is the time to be confident enough in our values, conscientious enough in our actions, and proud enough in our spirit to condemn the antisocial acts of a few despicable jerks without narrowing our basic freedoms.

My mind says that the best way to honor those who died to preserve our freedom is to protect those freedoms and then get on with the business of making America a better place.

I took an oath to support and to defend the Constitution of the United States. Each Senator has to decide in her own mind and in his own heart what he feels he must do, to fulfill the promise he made to preserve and to stand by the Constitution. Different Senators will arrive at different answers. For me, this amendment does not preserve the Constitution. To the contrary, it constricts, narrows, limits—makes it less than it was before. To preserve means to keep intact, to avoid decay, but this amendment would leave freedom of expression less intact, less robust, more in a state of decay. To support an amendment which would, for the first time in 204 years, reduce the personal freedom that all Americans have been guaranteed by the Constitution would be, for me, inconsistent with my oath. I will never break my oath.

Finally, in his dissenting opinion on flag burning, Justice Stevens warned us about using the flag "as a pretext for partisan dispute about meaner ends." Politics can be a mean business, but it can also be a glorious business. Sometimes an event has unexpected consequences. Let's be frank; there is patriotism on both sides of this debate. So let me tell you what I believe about patriotism.

Patriotism—I know how it feels to be proud to be an American. I remember how I felt back in 1964 when the United States Olympic basketball team defeated the Soviet Union in the finals—I remember standing on the victory stand, with the gold medal around my neck, chills running up and down my spine, as the flag was raised and the national anthem played.

I was proud to have won—for myself and for my country.

Patriotism—it is like strength. If you have it, you do not need to wear it on your sleeve.

The patriot is not the loudest one in praise of his country, or the one whose chest swells the most when the parade passes by, or the one who never admits we could do anything better.

No, a patriot is one who is there when individual liberty is threatened from abroad, whether it is World War I, World War II, Korea, Vietnam, or even the wrongheaded action in Beirut in 1983—yes, that too. All those who served in these conflicts were defending liberty as our democracy chose, in its sometimes fallible way, to define the need to defend liberty.

But you do not need a war to show your patriotism. Patriotism is often unpretentious greatness. A patriot goes to work every day to make America a better place—in schools, hospitals, farms, laboratories, factories, offices, all across this land. A patriot knows that a welfare worker should listen, a teacher should teach, a nurse should give comfort. A patriot accords respect and dignity to those she meets. A patriot tries, in a secular as well as a spiritual sense, to be his brother's keeper.

When the only grandfather I ever knew came to America, he went to work in a glass factory. He worked with his hands, and he worked long and hard. After work he lived for three things: The first thing he lived for was going to the public library on a Saturday night to check out western novels, which he would read and reread over and over again. The second thing he lived for was to sit on his front porch on summer nights with a railroad whistle in the background and listen on the radio to his real love, baseball. And the third thing he lived for was to tell his grandson—me—what America meant to him.

He said America was great because it was free and because people seem to care about each other. Those two, freedom and caring, are the two inseparable halves of American patriotism. As Americans who love our flag, we must not sacrifice the substance of that freedom for its symbol, and we must learn to care more about each other. We must not restrict our fundamental freedom. To do so, I believe, would betray the meaning of the oath I took to support the Constitution and the promise I made to myself to always do what I thought was right.

I oppose this amendment.

Mr. LEVIN. Mr. President, I cannot support the proposed constitutional amendment. I detest flag burning, but I also love the U.S. Constitution.

This country stands for a set of ideals of human freedom that are embodied in the Constitution and the Bill of Rights, and symbolized by the American flag. There are a handful of individuals who hold these ideals in such disrespect that they choose to express their hostility by taking a copy of the Constitution—or the flag—and burning it or tearing it up. The Supreme Court has ruled that however despicable this action may be, our Constitution protects these misguided individuals in the expression of their views—just as it protects the expression of hateful and despicable ideas by other misguided individuals.

As much as I revere the flag, I love the Constitution, the Bill of Rights, and the liberties that are enshrined in them. In a 1989 Washington Post article, James Warner—who was captured and held as a prisoner of war by the Vietnamese—eloquently explained the vital importance of the principles of freedom embodied in our Bill of Rights. Mr. Warner stated:

> I remember one interrogation where I was shown a photograph of some Americans protesting the war by burning a flag. "There," the officer said. "People in your country protest against your cause. That proves that you are wrong."
>
> "No," I said. "That proves that I am right. In my country we are not afraid of freedom, even if it means that people disagree with us."

I cannot let the despicable actions of the few who choose to express their misguided impulses by attacking our flag cause me to amend the Constitution and the Bill of Rights that have served us so well for 200 years. To do so would be to enable those few individuals to achieve something that no power on earth has been able to accomplish for over two centuries—to force us to modify the basic charter of our liberties that are guaranteed in the Bill of Rights.

Our Constitution has been amended only 17 times since the adoption of the Bill of Rights in 1789. The Bill of Rights itself has never been amended. A constitutional amendment is an extremely serious step, which is justified only to address a grave national problem. In this case, the proposed constitutional amendment is directed at an extremely small number of cases that have had no discernible impact on the health or security of the Nation. As the Port Huron Times Herald pointed out on October 14—

> Less than a handful choose flag-burning as their means of protest. It is so distasteful a display that no clear-thinking citizen could endorse it.

We should not agree to amend the Bill of Rights, which protects our most basic freedoms, to address the extreme behavior of a few erratic individuals.

I also do not believe that the proposed amendment is likely to succeed in actually protecting the flag in any case, because people who are so deluded or misguided as to burn a flag simply to get our attention are no less likely to do so just because there is a law against it. Indeed, they may be more likely to burn the flag if they believe that violation of a constitutional amendment will attract more attention to their antics. As the Traverse City Record-Eagle stated on November 2, a constitutional amendment—

> . . . won't even stop those few people who want to raise a ruckus by burning the flag from doing so. In fact, the extra attention a constitutional amendment would focus on the act might even encourage it.

Mr. President, the proposed amendment, as drafted, could also be easily evaded. The amendment does not define the flag. Does it cover Jasper Johns' famous painting of overlapping flags? Does it apply to a T-shirt with a picture of the flag on it? How about wearing a flag T-shirt with holes in it? Is a 49-star flag a flag of the United States? Does it apply if a flag is hung upside down? Would it prohibit the use of the flag in commercial advertisements? These questions, and dozens like them, would be left unanswered.

So the amendment would not only amend our Bill of Rights for the first time, it would do so without realistic prospect of successfully preventing the offensive activity at which it is directed.

Senator BIDEN's substitute amendment, unlike the underlying proposal, would at least address the objective actions of a person who burns or destroys a flag, rather than the subjective state of mind of that individual. I voted for the Biden alternative because it is preferable to the underlying proposal, even though it does not correct most of the problems that I have outlined.

Flag burning is reprehensible. If we could bar it by statute, without amending the bill of rights, I would do so. Indeed, I have voted for a flag-burning statute in the past and I voted for the McConnell-Bennett-Dorgan statute when it comes up for a vote. But I am not willing to tinker with our Bill of Rights and for this reason, I cannot vote for final passage of the proposed constitutional amendment.

In my view, Mr. President, we can show no greater respect to the flag than by showing contempt for those who disrespect it, while preserving the freedoms for which it stands. The constitutional amendment that is before us today is the same amendment that I voted against in 1990. My position has not changed, and I shall again vote against this proposed amendment.

Mr. SMITH. Mr. President, I rise in support of Senate Joint Resolution 31, the flag protection constitutional amendment. As an original cosponsor of Senate Joint Resolution 31, I am pleased to see that this important measure will be coming before the Senate for a final vote today.

Mr. President, the flag of the United States is the central, unifying, and unique symbol of our great Nation. Throughout our history, tens of thousands of Americans have given their lives while serving under our flag in time of war. In my own family, my father, Donald E. Smith, died in a Navy

service-related incident during World War II. My family was presented with his burial flag. That flag means a great deal to us.

Desecrating the American flag is a deliberately provocative act. It is also an attack on the Nation itself, as symbolized by our flag. Such acts do not merit the protection of the law. On the contrary, those who commit them deserve to be punished by the law.

Mr. President, this constitutional amendment ought not to be necessary. The need for it became clear, however, when the Supreme Court of the United States struck down as unconstitutional both a State and a Federal flag protection statute. The Court held that such statutes violate the free speech protections of the first amendment to the Constitution.

I strongly disagree with those Supreme Court decisions. As the Court itself has recognized, our Nation's treasured right of free speech is not absolute. One does not have the right to yell fire! in a crowded theater, for example. In exceptional cases when the Government's interests are sufficiently compelling, the right to free speech may be carefully circumscribed. The Government's interest in protecting our Nation's central, unique symbol are sufficiently compelling, in my view, to justify limiting the right of political dissenters to desecrate the flag.

Mr. President, while the great Constitution that the Founders framed has survived many tests, it also has been amended 26 times. The people of the United States are not forced to accept a Supreme Court decision with which they fundamentally disagree. The Constitution itself grants the people, as represented by the Congress and the State legislatures, the right to amend it in order to reverse erroneous decisions by the Court.

I recognize that amending the Constitution is serious business. That is why we took the intermediate step of fashioning a Federal flag protection statute in the wake of the Court's decision striking down Texas's State law. When the Court also struck down the Federal statute, we had no choice but to move forward with this flag protection constitutional amendment.

Mr. President, I urge my colleagues to vote in favor of this constitutional amendment authorizing the Congress to enact legislation to protect our Nation's great flag. I am optimistic that this measure can be passed by the requisite two-thirds majority of the Senate today and will be submitted to the States for prompt ratification.

Thank you, Mr. President, I yield the floor.

Ms. SNOWE. Mr. President, I am proud to join Senators HATCH and HEFLIN to urge passage of the proposed constitutional amendment granting Congress the power to prohibit the physical desecration of the flag of the United States.

Our flag occupies a truly unique place in the hearts of millions of citizens as a cherished symbol of freedom and democracy. As a national emblem of the world's greatest democracy, the American flag should be treated with respect and care. Our free speech rights do not entitle us to simply consider the flag as personal property, which can be treated any way we see fit including physically desecrating it as a legitimate form of political protest.

We debate this issue at a very special and important time in our Nation's history.

This year marks the 50th anniversary of the Allies' victory in the Second World War. And, 54 years ago last week, Japanese planes launched an attack on Pearl Harbor that would begin American participation in the Second World War.

During that conflict, our proud marines climbed to the top of Mount Surabachi in one of the most bloody battles of the war. No less than 6,855 men died to put our American flag on that mountain. The sacrifice of the brave American soldiers who gave their life on behalf of their country can never be forgotten. Their honor and dedication to country, duty, freedom, and justice is enshrined in the symbol of our Nation—the American flag.

The flag is not just a visual symbol to us—it is a symbol whose pattern and colors tell a story that rings true for each and every American.

The 50 stars and 13 stripes on the flag are a reminder that our Nation is built on the unity and harmony of 50 States. And the colors of our flag were not chosen randomly: red was selected because it represents courage, bravery, and the willingness of the American people to give their life for their country and its principles of freedom and democracy; white was selected because it represents integrity and purity; and blue because it represents vigilance, perseverance, and justice.

Thus, this flag has become a source of inspiration to every American wherever it is displayed.

For these reasons and many others, a great majority of Americans believe—as I strongly do—that the American flag should be treated with dignity, respect and care—and nothing less.

Unfortunately, not everyone shares this view.

In June 1990, the Supreme Court ruled that the Flag Protection Act of 1989, legislation adopted by the Congress in 1989 generally prohibiting physical defilement or desecration of the flag, was unconstitutional. This decision, a 5-4 ruling in U.S. versus Eichman, held that burning the flag as a political protest was constitutionally protected free speech.

The Flag Protection Act had originally been adopted by the 101st Congress after the Supreme Court ruled in Texas versus Johnson that existing Federal and State laws prohibiting flag-burning were unconstitutional because they violated the first amendment's provisions regarding free speech.

I profoundly disagreed with both rulings the Supreme Court made on this issue. In our modern society, there are still many different forums in our mass media, television, newspapers and radio and the like, through which citizens can freely and fully exercise their legitimate, constitutional right to free speech, even if what they have to say is overwhelmingly unpopular with a majority of American citizens.

When considering the issue, it is helpful to remember that prior to the Supreme Court's 1989 Texas versus Johnson ruling, 48 States, including my own State of Maine, and the Federal Government, had anti-flag-burning laws on their books for years.

Whether our flag is flying over a ball park, a military base, a school or on a flag pole on Main Street, our national standard has always represented the ideals and values that are the foundation this great Nation was built on. And our flag has come not only to represent the glories of our Nation's past, but it has also come to stand as a symbol for hope for our Nation's future.

Let me just state that I am extremely committed to defending and protecting our Constitution—from the first amendment in the Bill of Rights to the 27th amendment. I do not believe that this amendment would be a departure from first amendment doctrine.

I strongly urge my colleagues to uphold the great symbol of our nationhood by supporting Senator HATCH and the flag amendment.

Thank you very much.

Mr. KEMPTHORNE. Mr. President, I rise today to express my firm support for Senate Joint Resolution 31. As an original cosponsor of this resolution proposing a constitutional amendment to prohibit the desecration of the flag, I believe enactment of this resolution is an important step in restoring the right of this society to protect the symbol of our Nation.

Mr. President, the people of Idaho have clearly expressed their desire to be able to protect Old Glory. I am pleased to note the Idaho State Legislature passed a resolution to this effect 2 years ago. In asking the Congress to present an antiflag desecration amendment to the States for ratification, the Idaho Legislature stated, ". . . the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and a nation which remains the destination of millions of immigrants attracted by the universal power of the American ideal . . .".

Some have claimed the passage of this resolution will weaken the sanctity of the first amendment. To these people I would ask, was the first amendment weak during the first 198 years after its ratification? Until the Supreme Court ruled flag desecration to be protected free speech in 1989, 48 States and the Federal Government had statutes which penalized an individual for desecrating the flag. I do not believe the time in our Nation's history prior to 1989 may realistically be viewed as a dark period in which Americans were denied their constitutional rights. The truth is, protecting the flag of the United States has long been a proud part of our national history. What we are attempting to do today is preserve that history.

In fact, I believe it is interesting to note that the Supreme Court specifically noted in 1974 Smith versus Goguen that flag desecration was not protected speech under the Constitution. In overturning a Massachusetts State law which protected the flag, the Court ruled that the problem was the vagueness of the State law, not the underlying principle of the law. The Court went on to say, "Certainly nothing prevents a legislature from defining with substantial specificity what constitutes forbidden treatment of United States flags." The Court further noted that the Federal flag desecration law, which was in effect at the time, was acceptable because it prohibited "only acts that physically damage the flag." This law remained in effect until the Court s 1989 ruling.

As a member of the Senate Armed Services Committee, I have had the opportunity to meet the men and women of our Armed Forces around the world. These individuals put their lives on the line regularly, so that we may live in peace and safety. And while they are serving us, the American public, they do so under the Stars and Stripes. For those who are stationed overseas, the flag represents the rights and freedoms which they stand prepared to defend, even while on foreign ground. It also stands for their home, the Nation which proudly awaits their return when their duties are completed. For those who have finished their service to their country, the flag is a constant reminder that the ideals for which they fought still live, and that their sacrifices were not in vain.

Mr. President, I do not believe any of us here today wants to limit or restrict the right of Americans to speak out in an appropriate manner. In fact, numerous Members of this body on both sides of the aisle have taken advantage of this right to speak out against Government policies, and, undoubtedly, will continue to do so whether or not they are Members of the Senate. I simply believe the physical mutilation of the flag falls outside the range of speech which should be protected. I also believe the citizens of the United States should have the opportunity to decide for themselves, whether they also feel the flag deserves special protection. That is what this resolution is all about. And it is this principle that I ask my colleagues to support today.

Mr. HEFLIN. Mr. President, I rise today in support of the resolution to amend the Constitution of the United States to protect the American flag. We have recently revised the language in order to address the concerns of a few of my colleagues. They have voiced reservations about allowing behavior toward the flag to be governed by a multiplicity of State laws. The language we have added to the amendment establishes that Congress, and not the States, must adopt a uniform standard for prohibited conduct as well as for a definition of the "flag of the United States." I believe the amendment as it now stands is strengthened by these revisions.

Although much has been said about how this amendment will put a muzzle on the first amendment, this is not true. The adoption of this amendment will not diminish the first amendment's hallowed place among our liberties. Prior to the Supreme Court's decision in Johnson, the majority of the States had laws on their books which banned the desecration of the American flag. Prior to Johnson, free speech under the first amendment flourished, including unpopular opinions and political speech. I do not expect this to change once the amendment is adopted.

The opponents have hinged their fight against this amendment on the decisions of the Supreme Court in two opinions. First is the case of Texas versus Johnson, a 5-to-4 decision, in which the Court held that a Texas statute protecting the flag granted it special legal protections which offended the Court's concept of free speech. Second is United States versus Eichman, in which the Supreme Court, again in a 5-to-4 decision, struck down a content neutral statute enacted by the Congress following the Johnson decision.

In their dissent in Johnson, the Justices make clear the reasoning that I believe is behind many of the supporters of the amendment. Chief Justice Rehnquist for himself and Justices O'Connor and White stated:

> For more than 200 years, the American flag has occupied a unique position as the symbol of our Nation, a uniqueness that justifies a governmental prohibition against flag burning in the way respondent Johnson did here.

It is the flag's uniqueness which we realize makes it more than simply a piece of cloth that needs special protection. It is a symbol that stands for patriotism, love of country, sacrifice, freedom—values that are the essence of what it means to be an American.

Senator MCCONNELL has introduced a bill, S. 1335, which is designed as a statutory protection for the flag. While I appreciate the efforts of the Senator from Kentucky, I do not believe that a statute would be upheld under the strict scrutiny of the Supreme Court. The Court in Eichman was clear that no statute will pass muster if it singles out the flag of the United States for protection against contemptuous abuse.

S. 1335 invokes the fighting-words doctrine, and seeks to punish any person who destroys a U.S. flag "with primary purpose and intent to incite or produce imminent violence or breach of the peace." According to legal experts, the Supreme Court in Johnson expressly rejected the application of the fighting words or imminent breach of the peace rationales offered by the Texas statute. This precedence in hand along with other recent decisions of the Court will not allow this statute, if passed, to stand.

It has been suggested that a statute which is facially neutral or content neutral could survive the strict scrutiny of the Supreme Court; I do not believe that is so. First, for the statute to be truly facially neutral it would have to ban any and all forms of destruction of the American flag. Second, a facially neutral statute which did not permit an exception for disposal of a worn or soiled American flag by burning would not be desirable nor acceptable to most Americans.

Unfortunately, for the statute to be truly content or facially neutral, it could not allow for any intentional destruction of the flag, including the burning of a worn or soiled flag. Any variation from completely neutral language would undermine the entire statute and, in all likelihood, would be found to be in violation of the first amendment under the Court's strict scrutiny test.

During the debate surrounding this amendment, a question has been raised as to precisely what conduct is prohibited under the amendment. It has been claimed that by using the term "desecration," we would outlaw almost any use of the flag or its image outside of displaying it in a parade or on a flag pole. I think that this is an incorrect and unfair interpretation of the conduct we are attempting to prohibit.

Those who interpret the language as overly broad have suggested that this amendment should be limited to outlawing only the burning, mutilation, or trampling of the flag. Although these are acts which I find despicable, I find acts such as spitting, urinating, wearing the flag as underwear to be equally outrageous. Unfortunately, under the limitations some have suggested to the amendment, these acts would be allowed. I do not think that this is what the American people had in mind in their support of this amendment.

Since the Supreme Court persists in striking down State and Federal statutes, regardless of how carefully crafted those statutes are, we have no alternative. The only avenue which remains open for protecting the American flag from desecration is through the procedure required to amend the Constitution of the United States. This procedure is difficult, and for very good reasons. The last time an amendment was ratified was almost 4 years ago; that was the 27th amendment, which took over 200 years to ratify.

Because of the sanctity of the Constitution, I do not take lightly an amendment, but as I stated, we have no alternative. I believe that the citizens of this Nation do not want to see the Constitution amended in most instances, but I also believe that they have shown through their actions that the protection of the flag is an important issue. Those actions include the grassroots support of groups such as the Alabama Department of Reserves Officers Association of the United States, which passed a resolution urging the U.S. Congress to pass this amendment.

I urge my colleagues to vote in favor of passage of this resolution. By voting in support of this resolution we send this matter to the States and let the people in each State make the final decision on this important matter.

Mr. SPECTER. Mr. President, I approach any constitutional amendment with hesitancy—especially one induring the first amendment.

At the outset, I believe there is a major difference between an amendment seeking to change the text of the first amendment—as is now pending in the House of Representatives on freedom of religion—and one to overrule a decision of the Supreme Court of the United States.

For me, a 5 to 4 decision on flag burning does not merit the difference due the language of the Bill of Rights. There is nothing in the text on freedom of speech requiring protection for flag burners. While their speech will still be protected, their acts will be prohibited.

In a somewhat analogous context, I have sponsored and pressed for a constitutional amendment to overturn the Supreme Court's decision in Buckley versus Valeo, which extended the protection of freedom of speech to an individual who spends unlimited amounts of his or her own money for a candidacy for public office.

It is accepted that freedom of speech is not absolute or unlimited. Justice Oliver Wendell Holmes articulated the classic statement that a person is not free to cry fire in a crowded theater. In a similar vein, the Supreme Court has interpreted the first amendment to exclude from its protection incitement to imminent lawless action, fighting words, obscenity, libel, and invasions of privacy.

Based on the precedents and general principles of constitutional interpretation, it is my judgment that Texas versus Johnson was incorrectly decided. The burning of the flag is conduct—not speech. I have great respect for robust debate to the extreme. But a speaker may express himself or herself with great vigor without insults or expressions that would be reasonably interpreted as fighting words.

Since I studied Chaplinsky versus New Hampshire in law school, I have been impressed with the import of the fighting-words doctrine. In Chaplinsky, the defendant was criminally charged when his speech angered a mob and almost caused a riot. He claimed his speech was protected by the first amendment. The Supreme Court unanimously rejected his argument, holding:

> . . . the right of free speech is not absolute at all times and under all circumstances. There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem. These include the lewd and obscene, the profane, the libelous, and the insulting or 'fighting' words—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace. It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.

I take a back seat to no one in protecting constitutional rights and civil liberties. For years I have stood against those who have sought to strip the Federal courts of their jurisdictional to hear constitutional cases involving subjects such as school prayer and busing. I have opposed efforts to breach the wall of separation between church and state and to weaken the exclusionary rule. Earlier this year, I opposed proposals in the counterterrorism bill to expand wiretap authority and to deport aliens using secret evidence in violation of the basic norm of due process.

Our law acknowledges and respects expectations. People have real, legitimate and reasonable expectations that the flag of the United States will be treated with honor and respect.

Some of the Supreme Court's most liberal Justices, the greatest defenders of our civil liberties, have forcefully held flag burning is not protected speech. Chief Justice Earl Warren:

> . . . the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace.

Justice Hugo Black, the ardent exponent of first amendment absolutism:

> [I]t passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense.

Justice Abe Fortas articulated:

> . . . the reasons why the States and the Federal Government have the power to protect the flag from acts of desecration committed in public.

The Bill of Rights has a special sanctity in establishing our Nation's values. There is no part of the text of the Bill of Rights which I would agree to amend.

While substantial deference should be given to Supreme Court decisions on constitutional interpretation, there are some circumstances where amendment is warranted, especially on split decisions like the 5 to 4 vote in the flag-burning case.

Like fighting words in Chaplinsky, libel in Sullivan, incitement of imminent lawless action in Brandenburg, and invasion of privacy in Cantrell, my judgment is that flag burning is not constitutionally protected by the first amendment.

Mr. COHEN. Mr. President, I have lamented on a number of occasions the erosion of civility in our public discourse. This is a trend that has had a negative impact on our politics and on the relationship between the Government and the citizenry. The heightened level of rhetoric, the slash-and-burn tactics, and the accusations of bad faith, have made it more difficult for politicians to communicate with each other and to communicate with those we represent. It has made it more difficult for reasonable people to reach agreement and far too easy for unreasonable voices to dominate the debate.

The breakdown in the tone of our discourse is symptomatic of a wider problem which many have described as a deterioration of civil society. Our civil society is the collection of public and private institutions, and accepted moral principles, that bind us together as a community of citizens. Civil society is what makes us a nation of community, rather than merely a group with common voting rights.

There is abundant evidence that our civil society is fraying around the edges. People lack faith in the capacity of government to act in the interest of the people. There is a growing lack of confidence in our public schools—one of the great unifying forces in our country. Americans are less engaged in fewer communal activities than we once were. We are much more apt to stay at home to rent a video, communicate on the faceless Internet, or channel-surf on cable TV, than we are to attend a PTA meeting, march in a parade—or even join a bowling league, as one Harvard professor's study revealed.

It is against this background that today we consider the constitutional amendment to prohibit desecration of the U.S. flag. The argument for protecting the flag is a weighty one: The U.S. flag is a unique symbol of our nationhood. When our troops go to battle to fight for our Nation, they march under the banner of the flag; each day when our children go to school, they

pledge allegiance to the flag; when a national leader or world dignitary dies, the flag is flown at half mast; when one of our athletes wins a gold medal at the Olympic Games, the flag of the United States is raised; when a soldier or police officer dies, his or her coffin is draped with the flag; when immigrants are naturalized, they salute to the flag.

In this diverse Nation, respect for the flag is a common bond that brings us together as a nation. Our common reverence for the flag is part of what makes us citizens of a country, not just individuals that happen to live in the same geographic area.

There is also no denying that when the flag is burned, desecrated, despoiled, or trampled upon, the potency of the flag as a symbol is denigrated. When the flag is burned, whether by Iranian fundamentalists during the hostage crisis or by American protestors here at home, we are rightly outraged because these acts represent a direct affront to our Nation. By tolerating flag desecration, we are condoning actions that undermine the fabric of our national life.

Critics of the flag amendment have reminded us that because flags owned by the Government are still protected under current law, this amendment will only restrict what individuals can do with flags that they own personally. But the flag is not a mere piece of property like a car or television, it is more than the fabric and dye and stitching that make it up. The design of the American flag and the values it represents belong to all of us; in a sense, it is community property. "We the people" maintain part ownership of that flag and should be able to control how our property may be treated.

This is not a very radical principle. Federal law already controls what we can or cannot do with our own money. Anyone that "mutilates, cuts, defaces, disfigures, or perforates" a dollar bill can be fined or put in jail for 6 months. Similarly, in O'Brien versus United States the Supreme Court upheld the conviction of a protestor that burned his draft card on the ground that the Government had a substantial interest in protecting a document necessary for the efficient functioning of the selective service system. Why is our interest in protecting currency or Government documents any stronger than protecting our greatest national symbol?

Opponents of the flag amendment also maintain that it trivializes the Bill of Rights by carving out an exception to the first amendment. This argument is based on the classic libertarian belief that truth can only emerge from complete freedom of expression and that the Government cannot be trusted to distinguish between acceptable and unacceptable forms of action or speech.

This first amendment absolutism, however, is contrary to our constitutional tradition. The list of types of speech that may be regulated or banned by the Government according to our Supreme Court precedents is lengthy: libel, obscenity, fighting words, child pornography, deceptive advertising, inciteful speech, speech that breaches personal privacy, speech that undermines national security, nude dancing, speech by public employees, infringements of copyright, and speech on public property, to name a few.

And consider how narrow the flag amendment's restriction of speech really is and how little it limits our ability to protest against the Government. Even if the amendment is enacted one could still write or say anything about the Government; one could still burn a copy of the Constitution or effigies of political leaders; indeed, one could put a picture of a flag being burned on the Internet and circulate it to millions of people across the world with the push of a button.

Recall the words the protestors chanted while Gregory Lee Johnson set a flag on fire and gave rise to this entire controversy: "Reagan and Mondale, which will it be? Either one means World War III. Ronald Reagan, killer of the hour, perfect example of U.S. power. America, the red, white, and blue, we spit on you, you stand for plunder, you will go under." So regardless of whether we have a flag amendment, there are a multitude of ways to heap contempt on the government, should one choose to do so. The effect of the amendment on free expression would be negligible.

I also want to take issue with the contention that our liberal tradition prohibits us from ever making substantive value judgments about what is good speech and what is not or that we must always remain indifferent or neutral with respect to the ideas and images that bombard us over the airwaves or through the media.

Senator DOLE touched on this in a speech he gave earlier this year criticizing the violent movies being produced in Hollywood these days. It isn't inconsistent with the first amendment to speak out against movies that contain dozens of shootings, or gruesome acts of violence that are then copied in real life only days after the initial screening. It isn't an act of government censorship for politicians to criticize music containing lyrics that denigrate women, glorify cop killers as role models, and promote racial divisiveness.

Likewise, it is not government censorship when the people amend the Constitution to prohibit one narrow, repulsive form of expression. The process of amending the Constitution does not consist of a dictatorial tyrant exercising power over enslaved subjects; rather it is the act of free people exercising their sovereign power to impose rules upon themselves. By enacting this amendment through the process set forth in article V of the Constitution, "We the people" will be determining that the message being expressed by those who burn the flag is not worthy of legal protection. The amendment represents a subjective, value-laden judgment by the people that our interest in preventing the damage that flag desecration inflicts upon our national character outweighs the meager contribution that flag burning makes to the advancement of knowledge and understanding of ideas. The Supreme Court balances interests in this manner in almost every constitutional case it decides. Why is it that we have no qualms about deferring to the value-judgments made by unelected jurists but we become squeamish when making such judgments through our most solemn act of self-government—amending the Constitution?

I do not believe this flag amendment sets a bad precedent by carving out an exception to the first amendment or that the people will act irresponsibly by amending the Constitution in a frequent or cavalier fashion. For one thing, the Constitution, in its wisdom, makes that too difficult to do. Also, I trust the people. They understand the value of liberty. They understand that the only way for truth to emerge is through the exchange of ideas. They understand that it is a slippery slope from government-controlled censorship to tyanny. I am confident that it will be the rare occasion that the people make an exception to our general tolerance for free expression by targeting a form of expressive activity for special treatment. And I am confident that our national character will be improved, not weakened, by the protection of our unique symbol of nationhood.

I agree with Justice Stevens' opinion in *Texas* v. *Johnson*. He said:

> The value of the flag as a symbol cannot be measured. Even so, I have no doubt that the interest in preserving that value for the future is both significant and legitimate.
>
> Similarly, in my considered judgment, sanctioning the public desecration of the flag will tarnish its value, both those who cherish the ideas for which it waves and for those who desire to don the robes of martyrdom by burning it. That tarnish is not justified by the trivial burden on free expression occasioned by requiring an available, alternative mode of expression, including words critical of the flag, be employed.

So I support this resolution to send the flag protection amendment to the States for ratification. And I urge my colleagues to support it as well.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

I ask unanimous consent that the time be divided equally.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I yield myself such time as I may consume.

How much time do we have on this side?

The PRESIDING OFFICER. Nine minutes.

Mr. GLENN. Mr. President, I gave a more lengthy speech on this subject last Friday. In fact, I talked for about an hour, I guess, because I felt strongly about what was going on with this piece of legislation. Rather than repeating those remarks of last Friday, I call attention to an article that appeared in the Cleveland Plain Dealer earlier this year by a columnist, Dick Feagler, a friend of ours who I have known for a long time. Dick writes sometimes with a humorous bent and a serious twist to it at the same time.

I read this into the RECORD in the time I have remaining here because I think it pretty much says it all. The title is, "Flag Should Stay Sacred in Our Minds, Not Law." His article goes on like this:

Here they go again. Congressional Republicans, backed by some Democrats, are pushing for a constitutional amendment against burning the flag.

That old bandwagon has more miles on it than your grandma's Edsel. But there are always plenty of new passengers eager to hitch a ride. In our area, freshman Congressman Steven C. LaTourette has climbed aboard for a short trip toward the stoplight of reason.

Every four years or so, I have to write a column about this issue and it always makes me feel bad. I am a flag guy. I was raised on John Wayne movies. I feel good on the Fourth of July, and humble on Memorial Day. I am the kid who, at age 12, slipped a sternly worded note under the door of a merchant who never took his flag down at sunset. There's a grand old flag flying next to my front door 20 feet from where I'm writing this—

So every time this comes up, I ask myself, why don't I just go along with it. It would be so much easier. It would make my feel proud and patriotic and as American as a Marysville, Honda. Why not just support changing the Bill of Rights to keep Old Glory safe from the punks and the fanatics?

Well, because it's dumb, that's why. That's one reason. There's a deeper reason, but I'll deal with the dumbness first. After all, as some of you keep reminding me, I've got enough dumbness in me now without increasing my inventory.

If we make it against the law to destroy a flag, exactly what kind of flag are we talking about? Are we only talking about the official flag, made, I believe, in Taiwan, that you buy at the post office? How about the flag my father still has with 48 stars on it? Is that still THE flag?

Suppose I run up a flag on my Singer and leave off a couple of stripes and a handful of stars? If I burn that, will I land in federal court? Who would go to that much trouble, you ask? Pal, you don't know your punks and fanatics.

How about if I draw a flag on a piece of paper? Can I bum that? Suppose I draw it in black and white but it is still unmistakably a flag? Does it count? How about those little flags on toothpicks you stick in cocktail weenies? If I singe one of those will the FBI come vaulting over the patio hedge to nail me? Are we going to write a brand new amendment to the Constitution the covers the flag on the seat of a biker's britches? Is a flag decal a flag?

Back in the '60s, I covered a dozen rallies where people burned their draft cards. The frequency of draft-card pyromania was so great that nobody bothered to apply for a replacement. When the hippie at the microphone announced it was arson time, the protesters just lit anything they weren't planning to smoke. If I announce I'm burning a flag, does that count, even if I'm not?

Who is going to write the constitutional amendment that sorts all this out? It's beyond my poor powers, Yank George M. Cohan is dead, and even if he was still with us, I doubt he could do better than a C-minus with this assignment.

I said there was a deeper reason. And there is.

you can't destroy the flag. Nobody ever has.

The British tried it twice and gave up forever. The South ripped the flag in two and slipcoverd their half, but we glued it back together with the blood of Gettysburg and Chattanooga. The flag always came through, just like the song about it says.

The Kaiser couldn't damage it. Hilter couldn't; Mussolini couldn't; Tojo gave it a really good try, but he couldn't. The flag survived the Chosen Reservoir and the Mekong muck.

And after all of that, we think we need a constitutional amendment to protect it from some crazy-eyed young idiot with a Bic to flick and a mouth full of narcissistic anti-government claptrap? We think that one match and a TV camera can do something that 200 years of world-class thugs couldn't do? I hope we have more faith than that.

Once in one of my lengthening number of yesteryears, it was my job to remove flags from the caskets of dead soldiers and fold them and present them smartly to mothers and widows. Those were always emotional moments.

But I never thought I was handing over THE flag in exchange for a young man's life. Both I and the woman behind the veil knew that the flag worth dying for is the big one you can't see or touch but you know is there. Right up there under God, like it says in the Pledge of Allegiance.

The only kind of help that flag needs from Congress is a nation worthy of it.

That concludes his writing. It was in the Plain Dealer earlier this year. I think that pretty much says it all.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes and 8 seconds.

Mr. GLENN. Mr. President, I could not add a whole lot to that.

Let me say this. I do not know how we administer this thing if we do have it put into effect. I always thought we were supposed to be one Nation—one Nation—not a nation that passes amendments that says we are going to break this up and let 50 States make up their own minds about how they want to treat the flag. I think that is our job here, and I think we do it for the Nation right here. I think it is a mistake to let all this go out to the States.

I remember back in 1976 we were celebrating the Bicentennial and we had bikinis, flag bikinis advertised in papers. I remember once watching a rock and roll concert that year, and it was quite a spectacle. It was one to make your blood boil, because the lead guitarist, who was bared from the waist up, did not have a shirt or anything on, but he is going at it and strumming and banging away on this thing. Pretty soon his pants started to slide down, and, lo and behold, you guessed it: He had flag shorts on. The audience went wild.

I find that more objectionable than I do some of the things we are talking about, to protect the flag here from burning it. I do not know whether body fluids get spilled on the flag in situations like that, with the bikinis or whatever. But I find that reprehensible. Is that covered under something like this? We are leaving this up to 50 different States, yet we quote a Pledge of Allegiance that says "one Nation"—one Nation, not a Nation of 50 separate entities, all free to make their own rules about how they want to treat the flag—"under God, indivisible, with liberty and justice for all." We do not say just for some and not for others, and we do not say the flag should have different treatment in different parts of the country either.

So I disagree with this approach that says there is such a big problem out there we somehow need to do something, passing a constitutional amendment to take care of a nonproblem, really. There is not a great, huge rash of flag burnings out there that showed disrespect for the flag. I was told there were none last year. Then I was corrected by some of the veterans who visited me in my office a few days ago last week, and they said, no, they could verify there were three flag burnings this year.

We have just under 270 million people in this country. That means one offense for every 90 million people. I really do not see that as being a tremendous problem for our country. We have a solution here out looking for a problem to solve. That does not make much sense to me.

The flag symbolizes the freedoms we have. It is not the freedoms themselves. It is not the freedoms themselves, and those are the things that are important. Everyone on both sides of this issue, both sides of the aisle love and defend the flag, and if anyone came in here and tried to burn a flag right here there would be enough people to attack that person, I can guarantee you, that we would take care of it ourselves. That is the way most of these things will be taken care of back in our individual States.

Without a doubt, the most important of the values are covered in the Bill of Rights. If we had not had that Bill of Rights put together, you know some of the States were prepared to not approve the Constitution of the United States. In that very first amendment

we cover some very, very sacred things. We say in that very first amendment, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech"—which is deemed to mean other examples—"or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." That is all there is in that article. It covers those things, but how important they are. Without that, we would not have had a Constitution of the United States.

My time is up, Mr. President. If anyone wishes to look at my remarks in more detail, the CONGRESSIONAL RECORD of last Friday has it complete. My time is up and I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Utah.

Mr. HATCH. Mr. President, the July 24, 1995, Washington Post published a letter from Donald D. Irvin of Fairfax, VA. He wrote:

> It is regrettable that a constitutional amendment to protect the flag is necessary as a way to express the will of the people in response to the misconception of the Supreme Court. But this is hardly the first time that this has had to be done.
>
> For example, the Dred Scott decision had to be corrected by the 13th and 14th amendments. Neither should have been necessary, but while the Supreme Court is an indispensable branch of government, on occasion the people have to "explain" the Constitution to it.
>
> Although it is not incorporated within the text of the Constitution itself, Americans cite the pledge of allegiance to the flag "and to the republic for which it stands." The republic is based upon the Constitution, which all naturalized citizens and those serving in military and official positions are sworn to defend. While native-born citizens are not otherwise required formally to make such an oath or to pledge allegiance to the flag—and indeed are free to refuse to do either without legal sanction—neither should they be free physically to desecrate the ultimate symbol of the Nation. . . .
>
> There always will be a few demented souls who may desecrate the flag or violate any law. But arcane legal theories aside, too many people have sacrificed their lives for this country so that the rest of us can live free for us not to honor their memory and our allegiance to the republic by expressing through our highest standard of man-made law that Americans will not tolerate the wanton desecration of the one symbol "for which it stands."

I urge my colleagues to heed the commonsense voices of the American people and send this amendment to the States.

COMMON SENSE

Mr. President, I know there are lawyers and nonlawyers on both sides of the issue before us. But there has been a fair amount of discussion of legal principles involved in the flag protection debate. Frankly, lawyers sometimes make matters more complicated than they really are. That is one way lawyers drive up their market value. Sometimes a healthy dose of common sense goes much farther than lawyer talk in illuminating an issue.

In his trenchant dissent in the Texas versus Johnson case in 1989, Justice John Paul Stevens put the same thought this way:

> The ideas of liberty and equality have been an irresistible force in motivating leaders like Patrick Henry, Susan B. Anthony, and Abraham Lincoln, schoolteachers like Nathan Hale and Booker T. Washington, the Philippine Scouts who fought at Bataan, and the soldiers who scaled the bluff at Omaha Beach. If those ideas are worth fighting for—and our history demonstrates that they are—it cannot be true that the flag that uniquely symbolizes their power is not itself worthy of protection from unnecessary desecration. [491 U.S. at 439].

In other words, denying the American people the right to protect their flag defies common sense.

Now, I wish we did not have to do this by constitutional amendment. We should not have to do so to ensure that the people can protect their flag.

I, like Earl Warren, Abe Fortas, Hugo Black, and Justice Stevens, believe the Constitution empowers Congress to protect the flag from physical desecration. But the Supreme Court twice has made clear that the statutory protection of the flag—because it is the flag—will be struck down under its interpretation of the Constitution. We have no choice here. Once the Supreme Court, by the narrowest of margins—5 to 4—orders us otherwise, and slams the door on us—and they did so twice—only the people can reverse that decision. And, in this process as prescribed under Article V of the Constitution, it is now up to the Senate to give the American people the opportunity to do so, if they so choose.

By sending this amendment to the States for ratification, the Senate opens the door to no other amendment, or statute, precisely because the flag is unique. There is no slippery slope here. The flag protection amendment is limited to authorizing the Federal Government to prohibit physical desecration of a single object, the American flag. It thus would not serve as a precedent for any legislation or constitutional amendment on any other subject or mode of conduct, precisely because the flag is unique. Moreover, the difficulty in amending the Constitution serves as a powerful check on any effort to reach other conduct, let alone speech which the Supreme Court has determined is protected by the first amendment.

This amendment does not allow Congress to prohibit any thought or point of view, but rather one narrow method of dramatizing that thought or viewpoint—by prohibiting one form of conduct; regulating action, not speech. No speech and no conduct, other than physical desecration of the American flag, can be regulated under legislation that would be authorized by the amendment.

As former Assistant Attorney General Charles J. Cooper testified:

> . . . if prohibiting flag desecration would place us on [a slippery slope of restrictions on constitutional protection of expression for the thought we hate,] we have been on it for a long time. The sole purpose of the Flag Protection Amendment is to restore the constitutional status quo ante Johnson, a time when 48 states, the Congress, and four Justices of the Supreme Court believed that the legislation prohibiting flag desecration was entirely consistent with the First Amendment. And that widespread constitutional judgment was not of recent origin, it stretched back about 100 years in some states. During that long period before Johnson, when flag desecration was universally criminalized, we did not descend on this purported slippery slope into governmental suppression of unpopular speech. The constitutional calm that preceded the Johnson case would not have been interrupted, I submit, if a single vote in the majority has been cast the other way, and flag desecration statutes had been upheld. Nor will it be interrupted, in my view, if the Flag Protection Amendment is passed and ratified.

That is the testimony of Charles J. Cooper, who, of course, was Assistant Attorney General of the United States, and is one of the leading constitutional experts here in Washington.

Mr. President, this is an extremely important issue. This issue will determine whether the United States wants to return to the values of protecting its national symbol the way it should be.

Should we pass this amendment today by the requisite 66 votes, there being only 99 Members of the Senate at present, this amendment would then be submitted to the States. We will leave it up to the people as to whether or not they want this amendment. My personal belief is that they will ratify this amendment. Three-quarters of the States, if not all of the States, will ratify this amendment so fast our heads will be spinning. I think the people want this. The polls show they want it. Although I do not believe we should do things just because the polls show it, in this case the polls show that the American people understand that this is a value that they want to maintain and uphold, and rightly so. This is a very important value, and, should we pass this amendment today, we will submit it to the States. And those issues of values, those issues of right and wrong, will once again be debated all over this country. It will be a very, very healthy thing in 1995 and 1996 to have these issues debated 207, years after we thought we were establishing values and virtue through the Constitution of the United States.

In all honesty, that debate needs to take place. It will be a much more effective debate, I think, than we have held here on the floor of the U.S. Senate. I believe it is one that is long overdue, and it could lead to a debate on other values in our society—other principles of good versus bad. I think it would be beneficial to the country to start reexamining some of these

things, some of the permissive things, that we have allowed to occur in this society that have really denigrated our society. Whether to restore legal protection for our national symbol, the American flag, is an issue of such great constitutional import, one that will help us to start that debate.

I hope that our colleagues will vote for it today. I can accept whatever my colleagues do. But I hope they will vote for it. Should we pass it, the great debate on values will start. Should we not pass it, come 1997 we will be back with it again, and I think we will pass it at that time. But let us hope we can pass it today. I intend to do everything I can to see that it is passed.

Might I ask the Chair how much time remains on both sides?

The PRESIDING OFFICER. The Senator has 13 minutes remaining and the opposite side has no time left.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, the argument that authorizing the prohibition of flag desecration violates the first amendment is of recent vintage. I have remarked before that the Johnson and Eichman decisions owe far more to evolving theories of jurisprudence than to the first amendment itself.

I think the Members of the First Congress who voted for the first amendment would be astonished to learn, two centuries later, that they had forbidden Congress from prohibiting flag desecration.

It is even more astonishing to believe that those who enacted the 14th amendment's due process clause, through which the first amendment's free speech guarantee has been applied to the States, believed they were forbidding the States from protecting Old Glory.

Indeed, during the Civil War, Congress awarded the Congressional Medal of Honor to Union soldiers who saved the American flag from falling into Confederate hands.

That Members of Congress who awarded the Medal of Honor for such heroics would also strip States of the right to protect the flag from those who would physically desecrate it seems to me to be far-fetched. As I have mentioned earlier, as recently as 1969, even Chief Justice Earl Warren, whose very name is an eponym for judicial activism among conservatives, wrote: "I believe that the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace * * *" (*Street* v. *New York*, 394 U.S. 576, 605 (1969) (Warren, C.J., dissenting)). Liberal Justice Abe Fortas agreed. And first amendment absolutist Justice Hugo Black was incredulous at the thought that the Constitution barred laws protecting the flag: "It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense." (394 U.S. at 610).

That five Members of the Supreme Court have now said otherwise does not make their constitutional interpretation in this case wise or persuasive, any more than its decisions in the last century that Dred Scott should be returned to slavery, or that separate-but-equal treatment of the races passes muster under the equal protection clause made sense.

The pending amendment overturns the Johnson and Eichman decisions and clearly establishes in the text of the Constitution the power for Congress to protect the flag from physical desecration that those two decisions erroneously took away. It only addresses the Court's misguided, recent flag jurisprudence. It does nothing else; it does not disturb any other theories the Court has used to construe the Constitution.

THE AMERICAN FLAG DESERVES LEGAL PROTECTION REGARDLESS OF THE NUMBER OF FLAG DESECRATIONS IN RECENT YEARS

The Clinton administration testified that, in light of what it refers to as "* * * only a few isolated instances [of flag burning], the flag is amply protected by its unique stature as an embodiment of national unity and ideals." [Testimony of Mr. Dellinger, June 6, 1995 at p. 1] I find that comment simply wrong.

First, aside from the number of flag desecrations, our very refusal to take action to protect the American flag clearly devalues it. Our acquiescence in the Supreme Court's decisions reduces its symbolic value. As a practical matter, the effect, however unintended, of our acquiescence equates the flag with a rag, at least as a matter of law, no matter what we feel in our hearts. Anyone in this country can buy a rag and the American flag and burn them both to dramatize a viewpoint. The law currently treats the two acts as the same. How one can say that this legal state of affairs does not devalue the flag is beyond me.

This concern is shared by others. Justice John Paul Stevens said in his Johnson dissent:

> . . . in my considered judgment, sanctioning the public desecration of the flag will tarnish its value. That tarnish is not justified by the trivial burden on free expression occasioned by requiring that an available alternative mode of expression—including uttering words critical of the flag—be employed. [491 U.S. at 437].

Prof. Richard Parker of Harvard Law School testified after Mr. Dellinger, and in my view, effectively rebutted his argument.

> If it is permissible not just to heap verbal contempt on the flag, but to burn it, rip it and smear it with excrement—if such behavior is not only permitted in practice, but protected in law by the Supreme Court—then the flag is already decaying as the symbol of our aspiration to the unity underlying our freedom. The flag we fly in response is no longer the same thing. We are told . . . that someone can desecrate "a" flag but not "the" flag. To that, I simply say: Untrue. This is precisely the way that general symbols like general values are trashed, particular step by particular step. This is the way, imperceptibly, that commitments and ideals are lost.

Second, as a simple matter of law and reality, the flag is not protected from those who would burn, deface, trample, defile, or otherwise physically desecrate it.

Third, whether the 45-plus flags whose publicly reported desecrations between 1990 and 1994 of which we are currently aware, and the ones which were desecrated so far this year, represent too small a problem does not turn on the sheer number of these desecrations alone. When a flag desecration is reported in local print, radio, and television media, potentially millions, and if reported in the national media, tens upon tens of millions of people, see or read or learn of them. How do my colleagues think, Rose Lee, for example, feels when she sees a flag desecration in California reported in the media? The impact is far greater than the number of flag desecrations.

Physical desecration of the American flag has occurred every year since the Johnson decision. I do not believe there is some threshold of flag desecrations during a specified time period necessary before triggering Congressional action. Certainly, critics of the amendment cite no such threshold. If it is right to empower the American people to protect the American flag, it is right regardless of the number of such desecrations in any 1 year. And no one can predict the number of such desecrations which may be attempted or performed in the future.

If murder rarely occurred, would there not be a need for statutes punishing it? Espionage prosecutions are not everyday occurrences. Treason prosecutions are even more infrequent, but treason is defined in the Constitution itself and no one suggests we repeal that provision or treason statutes.

Our distinguished colleague from Alabama, Senator HEFLIN, also responds to the criticism that there are too few flag desecrations to justify an amendment by noting: "in my judgment, this is the time, in a cool, deliberate, calm manner, and in an atmosphere that is not emotionally charged to evaluate values. I think that is something that makes it appropriate to do it now. I [believe] that there have to be in this Nation some things that are sacred." I think my friend from Alabama is absolutely right.

Mr. President, I believe our time is about all up, and I would be happy to

yield it back unless somebody wants to speak.

The PRESIDING OFFICER. I might inform the Senator he has 2 minutes and 30 seconds remaining.

Mr. HATCH. I will be happy to yield it back. I understand the other side's time is consumed.

RECESS

The PRESIDING OFFICER. If there is no objection, the Senate will stand in recess until the hour of 2:15 this afternoon.

There being no objection, the Senate, at 10:37 a.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

The Senate continued with the consideration of the joint resolution.

AMENDMENT NO. 3093

The PRESIDING OFFICER. Under the previous order, the question is on amendment No. 3093 offered by the Senator from Delaware. Under the previous order, there are 2 minutes of remaining debate time equally divided.

The Senator from Utah.

Mr. HATCH. Mr. President, I normally would want the distinguished Senator from Delaware to go first, but let me say this. This amendment is doubly flawed. First, it does not offer proper protection to the flag. A veteran writing the name of his or her unit on a flag is a criminal if we pass the statute authorized by this amendment.

Second, we have never in 206 years written a statute into the Constitution. This amendment is a textbook example of blurring the distinction between our fundamental charter, our Constitution, and a statutory code. We cannot do this to our Constitution.

The same amendment was rejected 93 to 7 in 1990. And it has not improved with age. There is a better way to protect the flag: vote down the Biden amendment, and then vote for the Hatch-Heflin-Feinstein amendment.

Mr. President, I suggest the absence of a quorum.

Mr. BIDEN. I ask that you withhold that request.

Mr. HATCH. I withhold.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. I understand we have 1 minute.

Mr. President, I believe that the amendment of my friend from Utah is fatally flawed. For the first time ever, it puts the Federal Government in the position of the State governments of choosing what types of speech they think are appropriate. My amendment protects the flag, plain and simple. It is straightforward. It does not allow the Government to choose. It defines it. It says the flag cannot be burned, trampled upon. It is very specific.

I ask that my colleagues look at it closely and, hopefully, support it. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3093 offered by the Senator from Delaware. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mrs. HUTCHISON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 5, nays 93, as follows:

[Rollcall Vote No. 597 Leg.]

YEAS—5

Biden	Levin	Pell
Hollings	Nunn	

NAYS—93

Abraham	Faircloth	Lott
Akaka	Feingold	Lugar
Ashcroft	Feinstein	Mack
Baucus	Ford	McCain
Bennett	Frist	McConnell
Bingaman	Glenn	Mikulski
Bond	Gorton	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Gramm	Murkowski
Breaux	Grams	Murray
Brown	Grassley	Nickles
Bryan	Gregg	Pressler
Bumpers	Harkin	Pryor
Burns	Hatch	Reid
Byrd	Hatfield	Robb
Campbell	Heflin	Rockefeller
Chafee	Helms	Roth
Coats	Inhofe	Santorum
Cochran	Inouye	Sarbanes
Cohen	Jeffords	Shelby
Conrad	Johnston	Simon
Coverdell	Kassebaum	Simpson
Craig	Kempthorne	Smith
D'Amato	Kennedy	Snowe
Daschle	Kerrey	Specter
DeWine	Kerry	Stevens
Dodd	Kohl	Thomas
Dole	Kyl	Thompson
Domenici	Lautenberg	Thurmond
Dorgan	Leahy	Warner
Exon	Lieberman	Wellstone

NOT VOTING—1

Hutchison

So, the amendment (No. 3093) was rejected.

AMENDMENT NO. 3095

The PRESIDING OFFICER. The question is on amendment 3095, offered by the Senator from South Carolina.

Under the previous order, there will be 2 minutes of debate equally divided. The Senator from South Carolina is recognized.

Mr. FORD. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HOLLINGS. Mr. President, let me acknowledge a misunderstanding. When I was asked on Friday about the amendment, because I had been stalking my distinguished majority leader, waiting for him to put up a joint resolution all year long, I was asked about amendments, and I told him I had two. They said you would have to be able to debate them on Monday. I said fine. They said there will probably be a time limitation. I said fine.

In no wise was any inference or reference made to relevance. As a result, I understand the distinguished minority leader is going to ask that we vote it down because, when the two leaders, majority and minority, make an agreement, they have to hold fast to their agreements—except, of course, in this case. You cannot take the position of being none whatsoever, because it is not a mistrust of the minority leader. It has been a mistake.

Similarly, if it has been a mistake with this particular Senator, because if I had been asked if it had to be relevant, we would not have a unanimous-consent agreement and would not be voting on the flag.

So we are sort of, as they say in the law, in pari delicto. Point 1: It does not necessarily have to be relevant.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DASCHLE. Mr. President, I yield from my leader time, a minute.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina is recognized.

Mr. FORD. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. Those having conversations, please take them to the Cloakroom. Others, take your seat. Could I have order in the Senate, please? Will Senators please take their seats or take their conversations to the Cloakroom?

The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished leader and Members themselves.

Mr. President, I will save the Senate time by withdrawing the one on campaign finance. That is the best evidence that I had relative to the understanding or misunderstanding about relevance.

Point 1: The 10 amendments to the Constitution were originally submitted as 12 amendments, the 11th being the 27th amendment, not relevant, of course, voted on separately. And if a point of order is made, then of course the flag is not relevant to balancing the budget, or balancing the budget is not relevant to the flag. I understand that. But the technical point of constitutional amendments, this has been submitted as a separate article, and on merit I dispute and appeal the ruling of the Chair.

Otherwise, what we have is a glorious opportunity to get No. 1 in the contract performed. They have not been

able to get term limitations or the matter of line-item veto or deregulation, and we can go down the list. But you can get, certainly, this No. 1 in the contract by voting today for a balanced budget amendment to the Constitution, word for word, the Dole amendment——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. I ask unanimous consent just to get 2 more minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HOLLINGS. Word for word, the Dole amendment with the Nunn amendment to it with respect to the limitation on judicial power. Otherwise, the provision that the protection in section 13301 of the United States Code of laws is not repealed, that protection being for Social Security. Section 7 of the original Dole amendment repealed that section. We voted just 3 weeks ago, by 97 to 2, to instruct the conferees that they not use Social Security moneys. So it brings it crystal clear into view now and into a particular vote.

If you really want a balanced budget amendment to the Constitution, this is a wonderful opportunity, because we had five of us on this side of the aisle sign a letter to that effect.

I thank the Chair.

Mr. DASCHLE. Mr. President, I will just use a couple of minutes of my leader time to reiterate what the distinguished Senator from South Carolina has already informed our colleagues. There was a miscommunication last Friday, as the leader and I were negotiating the circumstances under which we would come to closure on the flag amendment. It was our hope we could avoid votes yesterday, stack votes today, but that was contingent on relevant amendments being offered, with some understanding as to how the time would be divided.

I entered into that agreement recognizing the need for relevancy. As a result, even though I support the amendment offered by the Senator from South Carolina, I will also support the point of order. It is not relevant to this amendment. In spite of its merit, it is not an amendment I can support under these circumstances and given the agreement.

So, therefore, I hope our colleagues could support the agreement and look for another day, when we can support as well the Hollings amendment.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Is all time yielded back?

The PRESIDING OFFICER. All time is yielded back.

Mr. DOLE. Mr. President, I raise a point of order that the pending Hollings amendment dealing with a balanced budget amendment violates the consent agreement of December 8, which states that all amendments must be relevant to the subject matter of flag desecration.

The PRESIDING OFFICER. The point of order is well taken.

Mr. HOLLINGS. I appeal, Mr. President. I appeal the ruling of the Chair. And, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? On this question, the yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 91, nays 8, as follows:

[Rollcall Vote No. 598 Leg.]

YEAS—91

Abraham	Feingold	Mack
Akaka	Feinstein	McCain
Ashcroft	Ford	McConnell
Bennett	Frist	Mikulski
Bingaman	Glenn	Moseley-Braun
Bond	Gorton	Moynihan
Boxer	Graham	Murkowski
Bradley	Gramm	Murray
Breaux	Grams	Nickles
Brown	Grassley	Nunn
Bryan	Gregg	Pell
Bumpers	Harkin	Pressler
Burns	Hatch	Pryor
Byrd	Hatfield	Reid
Campbell	Helms	Robb
Chafee	Hutchison	Rockefeller
Coats	Inhofe	Roth
Cochran	Inouye	Santorum
Cohen	Jeffords	Sarbanes
Conrad	Kassebaum	Shelby
Coverdell	Kempthorne	Simpson
Craig	Kennedy	Smith
D'Amato	Kerrey	Snowe
Daschle	Kerry	Stevens
DeWine	Kohl	Thomas
Dodd	Kyl	Thompson
Dole	Lautenberg	Thurmond
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Exon	Lott	
Faircloth	Lugar	

NAYS—8

Baucus	Hollings	Simon
Biden	Johnston	Specter
Heflin	Leahy	

So the ruling of the Chair was sustained as the judgment of the Senate.

AMENDMENT NO. 3096 WITHDRAWN

The PRESIDING OFFICER. The question is on agreeing to the Hollings amendment No. 3096.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3097

The PRESIDING OFFICER. The question is on agreeing to the McConnell amendment.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, there is 1 minute to explain the amendment. Is that correct?

The PRESIDING OFFICER. That is correct. The Senate will suspend until there is order in the Chamber.

The Senator from Kentucky.

Mr. MCCONNELL. I ask unanimous consent that Senator MIKULSKI be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, my amendment will permit us to protect the flag and the Constitution. My amendment will make flag desecration illegal in three instances:

First, when an individual desecrates a flag with the intent to incite patriotic Americans to imminent violence;

Second, when someone steals a flag belonging to the U.S. Government and desecrates it; and

Third, when someone steals a flag displayed on Federal property and desecrates it.

This amendment differs significantly from previous statutes struck down by the Supreme Court and would be upheld by the Supreme Court, according to the CRS, and a number of other constitutional scholars.

I revere the flag like every Senator, for the history it represents and the values it symbolizes. But let us not constrict freedom in the name of protecting the flag. After all, freedom is the American way of life that the flag embodies. Let us not give flag-burners—the misfits who hate America and the freedom we cherish—more attention than they deserve. Do not let those who dishonor the flag cause us to tamper with the freedom that has made America the Nation we love and the envy of the world.

I urge a vote for my amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has a minute.

Mr. HATCH. Mr. President, the McConnell amendment would displace the flag amendment. It would kill the flag desecration constitutional amendment, the only real way the American people can protect their flag. The McConnell amendment offers a substitute statute. It offers virtually no protection for the flag. It is so narrowly drawn and related to flag desecration in such limited circumstances that it would not have changed the decision in the Johnson case. It does not protect the flag in cases that have not involved the breach of the peace or a flag stolen from the Government or a stolen flag desecrated on Federal property.

Finally, we have been down this dead end before. The Supreme Court will not buy any statute, and it will not buy this statute any more than it bought the 1989 Biden flag statute.

How can we look the American people in the eye if we adopt this ineffective substitute? So the Supreme Court will strike it down. How many times must we have the Supreme Court tell

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us that a statute will not work? So I hope everybody will vote "no" on the McConnell amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 28, nays 71, as follows:

[Rollcall Vote No. 599 Leg.]

YEAS—28

Akaka	Dorgan	Mikulski
Bennett	Harkin	Murray
Bingaman	Jeffords	Nunn
Boxer	Kerry	Pell
Bradley	Kohl	Pryor
Bumpers	Lautenberg	Sarbanes
Chafee	Leahy	Simon
Conrad	Levin	Specter
Daschle	Lieberman	
Dodd	McConnell	

NAYS—71

Abraham	Ford	Lugar
Ashcroft	Frist	Mack
Baucus	Glenn	McCain
Biden	Gorton	Moseley-Braun
Bond	Graham	Moynihan
Breaux	Gramm	Murkowski
Brown	Grams	Nickles
Bryan	Grassley	Pressler
Burns	Gregg	Reid
Byrd	Hatch	Robb
Campbell	Hatfield	Rockefeller
Coats	Heflin	Roth
Cochran	Helms	Santorum
Cohen	Hollings	Shelby
Coverdell	Hutchison	Simpson
Craig	Inhofe	Smith
D'Amato	Inouye	Snowe
DeWine	Johnston	Stevens
Dole	Kassebaum	Thomas
Domenici	Kempthorne	Thompson
Exon	Kennedy	Thurmond
Faircloth	Kerrey	Warner
Feingold	Kyl	Wellstone
Feinstein	Lott	

So the amendment (No. 3097) was rejected.

Mr. HATCH. Mr. President, the Senate must now decide: Is this picture of the flag being desecrated freedom or an abuse of freedom? The American people know the difference. They are counting on the Senate to understand it too.

Do not talk to me about flag bathing suits or T-shirts.

This is what we are talking about. This is the unique symbol of our country.

Only Congress will be able to protect the flag. If we do not trust ourselves to protect the American flag in a responsible way, why should the American people trust us to do anything?

The Supreme Court made a mistake. The Framers gave the people and this Senate the right to correct that mistake, through the justifiably difficult amendment process.

Let the American people have the right to enact one, uniform law which protects one symbol of this great country and one symbol only—Old Glory.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I will use a couple of minutes of my leader time. I know that people have schedules to keep, but I have not had the opportunity to talk on this amendment. I will attempt to be very brief.

I think everyone understands the repercussions and all the ramifications of the vote we are about to take. This is the first time in history that we would amend the Bill of Rights; the first time in 200 years that we would limit the freedom of speech. And the question really is, why? Last year, three people were arrested or called upon to explain themselves for destroying the flag. In 1993, not one incident of flag desecration occurred.

So, Mr. President, this debate is really about protecting principle versus protecting a symbol. Both are important. Both should be protected. But do we really hold the symbol more important than the principle it represents? Is the flag more important than the freedom it stands for? The flag is important, and should be honored. But our basic freedoms, in my view, Mr. President, are clearly more important. For example, if we hold symbols to be more important than the fundamental right of freedom of speech, what about protecting a cross? What about protecting the Star of David? What about protecting a copy of the U.S. Constitution?

The irony here is that we diminish the very freedom the flag represents by protecting its symbol. Shimon Peres, the acting Prime Minister, spoke of this this morning, and he reminded us of how critical it was that we understand what a model this U.S. Constitution is for the rest of the world. He said the reason it is such a model is because it represents tolerance. That was his word, "tolerance." And in a democracy, sometimes we must find the strength to tolerate actions we abhor.

As I was growing up, whether it was with a teacher, a Cub Scout leader, or my family, we all recognized that perhaps the biggest difference between this country and so many others is that here we teach, elsewhere they compel. It is important that, as we vote on this amendment, we understand the difference between teaching and compelling. Let us leave here with every bit as much resolve to go out and teach the young and teach all in this country the importance of protecting and respecting our flag, but let us not, for the first time in 200 years, undermine the Constitution, the Bill of Rights, and the freedom of speech by compelling people today and abrogating their freedom in the future.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, during the past several days, we have heard a number of important legal arguments, but there has been very little talk about the history of the flag itself.

On June 14, 1777, the Revolutionary Continental Congress decided to create an official and distinctively American flag, passing a resolution declaring that, "The flag of the United States be 13 stripes alternate red and white, and the Union be 13 stars, white in the blue field representing a new constellation."

The colors of the flag were carefully chosen: The red for the sacrifices in blood made for the cause of national independence. The white for the purity of this cause. And the blue for vigilance, perseverance, and justice.

Our Nation was barely 30 years old when it went to war a second time against the British Empire in the war of 1812. As the British fleet attacked Fort McHenry in Baltimore Harbor, the flag waved undaunted throughout the night until the dawn's early light, inspiring Washington lawyer Francis Scott Key to write the words of the our national anthem.

The most tragic chapter in our Nation's history began when the American flag was lowered at Fort Sumter, after a 33-hour bombardment. The Civil War that ensued gave us Barbara Frietchie, whom the poet John Greenleaf Whittier tells us stood face-to-face, eyeball-to-eyeball, with Stonewall Jackson: "Shoot if you must, this old gray head, but spare your country's flag, she said."

Eighty years ago, in 1915, as Europe stood ravaged by World War I, President Woodrow Wilson established June 14 as National Flag Day. The purpose of Flag Day, President Wilson wrote, was to help us "direct our minds with a special desire of renewal to the ideals and principles of which we have sought to make our great Government the embodiment."

One of our most enduring national images comes from the Second World War—the famous picture of six American brave soldiers raising Old Glory at the top of Iwo Jima's Mount Suribachi. Nearly 6,000 Americans gave their lives during their deadly ascent up that hill.

And just 25 years after Iwo Jima, the flag made history again, as it was planted on the Moon by America's astronauts, some 239,000 miles away.

So, the flag itself has a unique and rich history, a history of great sacrifice and great triumph, and one that is the birthright of every American.

Mr. President, there is another point I want to emphasize today: Contrary to what some of my colleagues have said, this debate is not about amending the bill of rights or carving out an exception to the first amendment. It is about correcting a misguided Supreme Court decision that itself amended the bill of rights by overturning 48 State statutes and a Federal law banning the act of flag desecration. Many of these statutes had been on the books for decades, without in any way diminishing

our precious first amendment freedoms.

And if we learned anything in 1989, when we first began this debate, it is that we cannot overrule a Supreme Court decision on a constitutional matter simply by passing a statute. Fixing the Supreme Court's red-white-and-blue blunder requires a constitutional amendment. This is the only serious and honest way to correct the Texas versus Johnson decision.

I respect the efforts of my distinguished colleague from Kentucky, Senator MCCONNELL, who has proposed a flag-desecration statute. But as I said back in 1989, the statutory quick-fix just will not work. It failed in 1989, and it will fail again today.

Of course, amending the Constitution should not be taken lightly. This is serious business. That is why the framers intentionally made the amendment process a difficult one, requiring the assent of two-thirds of Congress and three-fourths of the State legislatures. But once these legislative hurdles have been cleared, the American people have spoken. In fact, amending the Constitution is as American as the Constitution itself.

Mr. President, I will conclude today by telling the story of a man named Stephan Ross, who testified earlier this year before the Senate Judiciary Committee.

In 1940, at the age of nine, the Nazis seized Ross from his home in Krasnik, Poland. For the next 5 years, he was held in 10 different Nazi death camps and barely survived.

The U.S. Army eventually liberated Ross from Dachau. As Ross traveled to Munich for medical care, an American tank commander jumped off his vehicle to lend his help to Ross and to the other victims of Nazi brutality. As Ross recounts: "He gave me his own food. He touched my withered body with is hands and heart. His love instilled in me a will to live, and I fell to his feet and shed my first tears in 5 years."

The American soldier then gave Ross what he thought was a handkerchief, but he soon realized it was a small American flag, the first I had ever seen.

Stephan Ross still keeps that same cherished flag at his home in Boston, where he works as a psychologist. Ross says:

It became my flag of redemption and freedom. . . . It represents the hope, freedom, and life that the American soldiers returned to me when they found me, nursed me to health, and restored my faith in mankind. . . . Even now, 50 years later, I am overcome with tears and gratitude whenever I see our glorious American Flag, because I know what it represents not only to me, but to millions around the world. . . . Protest if you wish. Speak loudly, even curse our country and our flag, but please, in the name of all those who died for our freedoms, don't physically harm what is so sacred to me and to countless others.

And, I might add, to those who are now heading for Bosnia.

Stephan Ross is right: We must protect that which is sacred to us as citizens of this great country. Our flag is sacred because it stands alone as the unique symbol of the principles and ideals that President Woodrow Wilson knew bound us together as one nation, one people.

Throughout our country's history, thousands of brave Americans have followed the flag into battle to defend these principles and ideals. Twenty thousand Americans will serve under our flag in Bosnia. As a testament to the great sacrifices made by our fighting men and women, the flag—America's national symbol—should receive the constitutional protection it so richly deserves.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the joint resolution.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read a third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 63, nays 36, as follows:

[Rollcall Vote No. 600 Leg.]

YEAS—63

Abraham	Feinstein	Lugar
Ashcroft	Ford	Mack
Baucus	Frist	McCain
Bond	Gorton	Murkowski
Breaux	Graham	Nickles
Brown	Gramm	Nunn
Bryan	Grams	Pressler
Burns	Grassley	Reid
Byrd	Gregg	Rockefeller
Campbell	Hatch	Roth
Coats	Hatfield	Santorum
Cochran	Heflin	Shelby
Cohen	Helms	Simpson
Coverdell	Hollings	Smith
Craig	Hutchison	Snowe
D'Amato	Inhofe	Specter
DeWine	Johnston	Stevens
Dole	Kassebaum	Thomas
Domenici	Kempthorne	Thompson
Exon	Kyl	Thurmond
Faircloth	Lott	Warner

NAYS—36

Akaka	Daschle	Kerrey
Bennett	Dodd	Kerry
Biden	Dorgan	Kohl
Bingaman	Feingold	Lautenberg
Boxer	Glenn	Leahy
Bradley	Harkin	Levin
Bumpers	Inouye	Lieberman
Chafee	Jeffords	McConnell
Conrad	Kennedy	Mikulski
Moseley-Braun	Pell	Sarbanes
Moynihan	Pryor	Simon
Murray	Robb	Wellstone

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 36. Two-thirds of the Senators voting not having voted in the affirmative, the joint resolution is rejected.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator will wait until we get order.

UNANIMOUS-CONSENT REQUEST

Mr. MCCAIN. Mr. President, I ask unanimous consent the Foreign Relations Committee be discharged of further consideration of H.R. 2606 with reference to the use of funds for troops in Bosnia and the Senate then turn to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Mr. President, I would like to make known the wishes of the majority leader.

Mr. NUNN. Reserving the right to object.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

Mr. HATCH. Mr. President, while they are resolving this difficulty, let me say a few words about the flag amendment. I ask unanimous consent I be given a few minutes to say a few words about the flag amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator will suspend until we get the attention of the Senate. I ask that conversations be removed to the Cloakroom.

The Senator from Utah.

Mr. HATCH. Mr. President, I am, of course, disappointed by the outcome. But I predicted at the beginning unless we got three more Democrats, we were not going to be able to prevail, and we could not do that.

I respect the decision of the Senate. I congratulate those on the other side of the issue.

In particular, I congratulate the most important leader of the opposition. Of course, that is President Clinton. President Clinton won this battle. The American people, in my opinion, lost. The President's strong, uncompromising opposition to any amendment protecting the flag whatsoever, expressed on June 6, in testimony before the Constitutional Subcommittee, was too much for the Citizens Flag Alliance and those of us here to overcome.

Had the President supported this amendment, I have no doubt, we would have prevailed. I do not think there is any question about it. So I congratulate the President on this victory.

I assure my colleagues, this amendment is not going to go away. It is a simple amendment. It is a constitutional amendment. It is written in good constitutional form. Frankly, it is not going to go away. The American people are not going to allow it. We will debate it in the next Congress. I hope we have some changes that will enable us to pass it at that time.

I want to particularly thank Senator HEFLIN and Senator FEINSTEIN for their efforts.

I also thank chief counsel Winston Lett, counsel Jim Whiddon, and a former Heflin staffer who worked very hard on this, Gregg Butrus, now at the Notre Dame Law School. I also want to express appreciation to Senator FEINSTEIN and her counsel, Jamie Grodsky.

On my staff, I want to thank John Yoo, Steven Schlesinger, Jasen Adams, and Mark Disler. These people worked long and hard, very sincerely, on this amendment.

This has been not only an important debate but an interesting debate. I think both sides have had a full and fair opportunity to explain their side. I am sorry we lost. On the other hand, we have done the best we can under the circumstances.

Unless there is a change in the U.S. Senate, I do not believe we are going to be able to pass this amendment with the current Senate, so we are hoping in the next Congress we will have enough votes to pass it. Be that as it may, it is going to come up again, whether we do or do not, and we are going to keep bringing it up until we pass it and protect the Nation's national symbol.

I have to say, anybody who really argues this is a denigration of the first amendment just plain does not understand constitutional law, does not understand the more than 21 cases where we have limited the first amendment, and does not understand that this is, full and simple and very plain, to prevent conduct that is offensive to the flag, offensive to the country, and offensive to almost every citizen, and, frankly, the way they have spoken, to every Senator in the U.S. Senate.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I want to take occasion to pay tribute to my senior colleague, Senator HATCH, for his leadership on this debate on the flag amendment. My one regret in this whole debate has been that some people in the State of Utah have characterized this as an issue that has divided Senator HATCH and me and tried to force us into picking sides.

I did, indeed, vote against the amendment. It was a close vote. These votes are always close matters. My reasoning is that the Constitution of the United States is our basic law and, as such, should be held inviolate from legislative activities.

I realize this was enabling legislation, but I have the fear that, if we start the precedent of amending the Constitution every time there is a Supreme Court decision with which we disagree, we run the risk of seeing the Constitution turned into something other than basic law.

Coming out of a political science background and a lifetime of studying the Constitution, that is where I came down on this particular issue. But I want to make it very clear that I am not backing down from my admiration for and respect for my senior colleague and his scholarship and his leadership.

I hope the people of Utah will understand that this has been an intellectual disagreement between us, and not an emotional disagreement between us. We spent many hours with each other—each trying to understand the other's point of view. I am sure Senator HATCH understands and respects my point of view, as I certainly understand and respect his.

So I hope the people of Utah will understand that this is not something that has driven a wedge between their two Senators.

While I am on the floor, I would like to read into the RECORD just one letter that I have received that I think is illustrative of the way this debate has gone in the State of Utah. The proponents of the amendment have been mounting an advertising campaign in Utah putting up television ads urging the people of our State to contact, write, fax, or phone Senator BENNETT and urge that he vote in favor of this amendment. That, of course, is their appropriate constitutional right. I received this letter in response to that campaign. I would like to read it into the RECORD. It is addressed to the Office of Senator BENNETT regarding the flag burning amendment.

DEAR SENATOR BENNETT: I read the article in this morning's Salt Lake Tribune indicating that your position on the flag burning amendment differs from that of Senator HATCH. I also saw the commercial obviously put on by supporters of the amendment urging that I write you about this issue. I commend you for your independent and thoughtful position as indicated in the Tribune article.

I am a West Point graduate and served with the 3rd Armored Division in Germany and the 5th Special Forces group in Vietnam. I am not in favor of flag burning. But I really don't think we need a constitutional amendment about flag burning. I am strongly convinced that the constitutional provisions should be reserved for only the most important governmental issues, and flag burning just is not such an issue.

I was offended to realize that the television commercial I saw this morning flashed the scene of book burning and a scene of flag burning as if they were the same thing. By my sense of history they are opposite. Book burning denotes the suppression of ideas by government. Flag burning involves the offensive and distasteful expression of protest against government. Nigeria does not tolerate that. But I hope America always will.

I commend you for your courage in taking the position which I suppose is probably contrary to what the opinion polls would tell you to do. Sounds like political courage to me. Wish there were more of us in Washington.

Very truly yours.

It is signed by Chris Wangsgard. I did not know Mr. Wangsgard before he responded to the commercial by sending me this letter.

I can report that a majority of the calls that I have received in response to the commercial have been in support of the position that I have taken. I am grateful to Mr. Wangsgard and those who have so responded.

But I conclude, again as I began, Mr. President, with a sincere statement of respect and admiration for my senior colleague and an assurance to everyone in the State of Utah that, whereas we differ intellectually on this issue, I do not know of two Senators who have worked together better to represent their home State than Senator HATCH and I. I know no senior colleague who has been more supportive or more helpful to his newcomer in the Senate than Senator HATCH has been.

I want, now that the issue is over and settled, to take the opportunity to make sure the people of Utah understand the high regard that I hold for Senator HATCH and the highest esteem that I hold for his scholarship and his leadership.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I will only take a few moments.

I want to thank my colleague for his wonderful remarks. They mean a lot to me, and I have an equally strong feeling toward him and realize that he did this as a matter of principle and conscience. And I could never find fault with people who do that. I naturally differ with him on this particular issue, and I am sure we will have some differences in the future. But by and large we support each other, support our State together in a very, very good way, and I am very proud to serve with him. And I appreciate his service here. He is one of the more articulate, intelligent and hard-working people in this body. I personally feel honored to have him as a partner as we work together in the best interest of Utah and this Nation.

So I want to thank him for his kind remarks here today.

A VOTE CAST TO PROTECT OUR FLAG

Mr. DORGAN. Mr. President, earlier today, I voted to protect the American flag from desecration. In doing so, I

chose a statute rather than a constitutional amendment to achieve this important objective.

For me and for most Americans, our Nation's flag is a symbol of the principles and values which hold this country together. We are appalled and deeply offended when someone burns or in some way destroys this national emblem of freedom and justice.

Brave men and women have given their lives to protect the flag, to preserve as well the freedom and democracy for which it stands. We owe it to those soldiers to keep our flag from desecration. And we owe them our solemn pledge to protect the Bill of Rights given to us by history's greatest guardian of American liberty: Thomas Jefferson.

But in defending our flag, we should not alter the Bill of Rights, and we should not tinker with language of our Constitution, if a simple, direct law can get the job done.

I cosponsored and cast my vote for just such a law. It protects our flag by punishing those who damage or destroy it. Flag desecration, like shouting fire in a crowded theater, would not be protected by the first amendment. This law passes every constitutional test, according to scholars at the Congressional Research Service.

Protecting America's cherished Constitution and Bill of Rights is every bit as important as protecting our beloved flag. We must do both, and take care not to jeopardize one while seeking to protect the other.

It is a delicate balance, and I believe the bill for which I voted, achieves that important and critical balance.

NATIONAL DRUG POLICY

Mr. HATCH. Mr. President, I would like to announce that the Office of National Drug Control Policy has just confirmed that Director Brown will make an announcement at 4:15 today regarding his future career plans. It has been widely reported that he will take a sociology professorship at Rice University in Houston. I wish him well. He is a very fine man.

He was a good selection for this position. I believe he has given his heart and soul to it to the extent that he could. He has done a credible job. But I have to say the administration has barely paid any attention to him and his efforts on this issue.

Unfortunately, under this administration drug control policy is in utter disarray. The number of 12- to 17-year-olds using marijuana has increased from 1.6 million in 1992 to 2.2 million in 1994. The category of "recent marijuana use" increased a staggering 200 percent among 14- and 15-year-olds over the same period. One in three high school seniors now smokes marijuana.

I have to say the President has stood up and condemned smoking cigarettes but has not condemned smoking marijuana.

One in three high school students now smoke marijuana. There has been a 53-percent drop in our ability to interdict and push back drug shipments in the transit zone between 1993 and 1995. Drug purity is way up, street prices are down, and the number of drug-related emergency room admissions is at record levels.

Federal law enforcement is under a very severe strain, and at the very time that the technical sophistication of the Cali Mafia is reaching new heights. Frankly, of those one in three high school students that are using marijuana, 30 percent of those who do it will try cocaine in the future of their lives. That is just a matter of fact. It is a statistic we know. And this has gone up so dramatically fast that I am really concerned about it.

The Gallup Poll as released today showed that 94 percent of Americans view illegal drug use as either a crisis or a very serious problem. These people are right. We simply need to do better.

As a start, I urge President Clinton to appoint a replacement director at the earliest possible date. It is vital to our Nation's effectiveness against drugs that we have a coordinated strategy against drug abuse in our executive branch of Government. Almost 3 years into the administration no nominee has been forwarded to the Senate for the purpose of ONDCP Deputy Director for Supply Reduction—in 3 years. This position should be filled immediately as well.

I believe that whoever is appointed ought to use that bully pulpit to let the American people know that we have had it up to here with drug abuse in our country, with this cancer that has been eating away at our children, and which, naturally because of the permissiveness of our society, is resulting in more and more drug use. We have to do something about it.

I wish Director Brown, Lee Brown, well. I like him personally. I know how frustrating it must have been. The first thing they did when he took over the Office of National Drug Control Policy was to cut his staff almost completely. Frankly, it is hard to do this job without the backing of the President of the United States. I really do not believe this administration has backed him in the way that they should have backed him. Despite that, he has done the best he could.

I personally want to acknowledge that on the floor. I want to pay my respects to him. I have admiration for him. I think his heart was always in the right place, and I think he did the best he could under the circumstances.

I just hope in these next few years—especially this next year—we do something about this, that we replace him and get a deputy for the next Director as soon as we can, and that we start fighting this issue with everything we have.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

THE BOSNIA ISSUE

Mr. MCCAIN. Mr. President, I ask unanimous consent that there now be general debate on the Bosnia issue between now and the hour of 6 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, it is the intention of the majority leader at 6 p.m. pending agreement by the other side to turn to H.R. 2606, which concerns the use of funds for troops in Bosnia.

Mr. President, it is also the intention of the majority leader to have the vote fairly early tomorrow, sometime around noon.

So I urge my colleagues to come to the floor at this time—between now and any time this evening—to debate and discuss this issue. There will be limited time tomorrow. The majority leader asked me to announce that. So I hope that we can get to the bulk of the debate on this issue.

Mr. INHOFE. Will the Senator yield?

Mr. MCCAIN. Let me just finish if I could, and I will be glad to yield to the Senator from Oklahoma.

Right now, the tentative plans are to vote on H.R. 2606, which is the use of funds for troops in Bosnia. Following that, a vote on an amendment by, I believe, Senator HUTCHISON and Senator NICKLES, and many others—Senator INHOFE, Senator KYL—on the issue of a resolution concerning Bosnia, and that would be followed, is tentatively scheduled to be followed by a vote on the Dole amendment, the language of which has not been completely worked out.

That is subject to change. There may be amendments, additional amendments from the other side of the aisle on this issue. The Democrat side has reserved the right to propose additional amendments on that side.

I will be glad to yield to the Senator from Oklahoma.

Mr. INHOFE. The question I had was, is it my understanding there will not be debate time tomorrow before the vote will be taken?

Mr. MCCAIN. I believe there will be debate time, but it will be extremely limited. We would like to have the debate and discussion between now and the hour later this evening Members wish to stay in to debate the issue.

Mr. President, it is my understanding that the intention is to have general debate on Bosnia until 6, but then from then on, if we take up 2606, continue debate on Bosnia as well as that bill. So I am not sure we need to restrain Members as far as time of speaking is concerned.

I wish to emphasize that tomorrow morning there will not be sufficient time for every Member to speak on this issue, so again I strongly urge as much as possible to have those statements made this afternoon or this evening.

Mr. President, I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Arizona.

Mr. KYL. Mr. President, I would like to begin this debate. I spoke on this floor, I think I was the first Member to speak after the President spoke to the Nation justifying his decision to commit 20,000 ground troops in Bosnia. I indicated my opposition at that time. I wish to reiterate that opposition now and very briefly indicate the reasons why and why I would support at least one and possibly two of the resolutions that will be before us tomorrow.

I was privileged to serve in the House of Representatives during the time that we debated the issue of whether or not to commence the Desert Storm operation. I cannot think of a more serious debate that I participated in while a Member of the House of Representatives. It was an elevated debate in terms of the arguments that were raised on both sides, and I think that everyone felt at the end of that discussion the issue had been thoroughly debated, the good arguments presented on both sides, and I think the right result came from that vote.

This is a similar issue, Mr. President. This is undoubtedly the most serious issue which we have had to debate in this year of the 104th Congress. In the long-term survivability of our country, I suppose one could talk about the balanced budget and those economic issues, but when one considers the possibility of sending young men and women in the Armed Forces into harm's way, all of us I think become very serious about the subject.

On this particular subject, there is no right or wrong in the sense that reasonable people can have differing views. I would like to focus first on what we have agreed on, and I would like to say I know that although my colleague from Arizona, Senator MCCAIN, and I may have some disagreement about the ultimate resolution that should be passed in this body, we agree on what we are for, and I think I would also say that in response to Senator BENNETT, who said that no senior Senator had offered more assistance to a junior Senator than Senator HATCH had to him, I would suggest that Senator MCCAIN has provided that same kind of assistance to me, and I would wish to commend him for all of his efforts in trying to come to grips with what these resolutions should be all about and how we influence the administration in conducting a sound policy with respect to Bosnia.

All of us, undoubtedly I could say all of us, are for peace in Bosnia, for an end to the slaughter. Many of us believe we have made a commitment to that with the American ships that are steaming in the Adriatic, the planes that are flying under the banner of NATO, the other kind of assistance which we have provided in terms of transport, intelligence, humanitarian assistance, and the monetary assistance that we will be asked to supply in the future.

Second, we are all for the support of our troops. There is no one here who would want to pull the rug out from under our troops once they have been deployed somewhere. Of course, many of us believe the way to support our troops is not to send them in harm's way in the first instance. But once they are there, none of us, obviously, will want to jerk the rug out from under them.

Having said what we are for, peace in Bosnia and support for our troops, I think it is also important for us to say what we oppose. And there are many of us here who oppose what I would characterize as the unreflective and offhanded and premature commitment of troops by the President. Our view is that the President should not have made this commitment, and that is why support for the Hutchison resolution is so important—to express our opposition to that decision.

I would like to discuss why I think this issue arises today. If this were a vital national security interest of the United States, we would not be debating this question. The Senate would have supported it long ago and the American people would be in support of it. But there is no vital national security interest. There is no national security interest of the United States involved. And when there is no national security interest, I think there is a higher threshold that must be met for the commitment of troops into combat situations. Here there is at best what could be characterized as a national interest. Any time there is a moral imperative to stop slaughter, to stop genocide, I think one could say that there is a national interest in seeing that that is stopped.

That does not mean in every case that the United States would send ground troops or we would have ground troops in possibly 20 or 30 or 40 places on the globe today. We do not. There are many situations that cry out for help but we cannot literally be the sheriff of the world. So the mere fact there is a moral imperative in some sense to stop the slaughter, to stop the genocide in different parts of the world, does not automatically mean the United States sends ground troops. We often do other things. There was a moral imperative to send humanitarian assistance to Somalia, and we did that. And there are moral imperatives in other places around the Earth where we have taken action.

This is a moral imperative, but we should not be confused and call it a national security imperative because there is no national security interest of the United States involved here. And because it is only a moral imperative, it seems to me there should have been more debate by the Congress and with the American people about whether or not this is one of those occasions in which we send our people into harm's way. That debate could not occur before the commitment was made because the President made it, as I said, in an offhanded and premature way. Once he made the commitment, it is very difficult for us to argue about it because of the contention that we therefore are embarrassing the President; that we no longer have a foreign policy behind which we stand united in the world and therefore once the commitment was made it is no longer possible for us to debate it.

That kind of catch-22 could occur in the future. There are other situations in the world where there is a possibility of commitment of U.S. troops. I have heard, for example, that if Israel and Syria should make peace, United States troops might be sent to the Golan Heights. I do not know whether that is a good idea or not, Mr. President, but I do believe that before a commitment is made we ought to debate that and come to a resolution of that question and the administration act with the advice and consent of the Senate in that matter. I suggest that probably the same thing will happen there that happened here. A commitment will be made in private. We will be told about it later. And because it was already made, we will be told that we cannot really argue about it because it would undercut American foreign policy. That is not sound decisionmaking and that is really what I object to and why I think it is important for us to have a resolution in opposition to the decision the President made.

There are three basic responses that have been made. One is the so-called Hefley amendment. This is the amendment that passed the House of Representatives overwhelmingly. And it is embodied in a sense-of-the-Senate that was incorporated into the Defense appropriations bill as well, but that was a sense-of-the-Senate rather than actual legislation.

This basically says that there should not be a commitment of funds until the Congress has acted affirmatively on the matter, and I think that is wise policy. That is the way it should have been done here. That is, in effect, the way President Bush did it when he sought Congress' approval to conduct the Desert Storm operation.

The second response to what the President did is the so-called Hutchison amendment. This is an amendment which I have cosponsored which says that we oppose what the

President did. It also says we support the troops. But I think we have to express that opposition.

The third resolution is the one that Senator MCCAIN referred to, the Dole resolution, which apparently has not been written yet and therefore obviously I cannot comment on that.

But the point is, Mr. President, in all likelihood none of these three responses will become law. So we will have to do what is necessary to support the troops. And we will do that.

What we are relegated to doing tomorrow when we have our vote is to send a message, and I think the message we send is very important.

First of all, it ought to be a message of unity and support of our troops. Second, it ought to be a message of unity in support of the peace process through a variety of mechanisms that the United States has already been participating in and will in the future be participating in. Third, it ought to be a message that we oppose this particular commitment of troops both in terms of the lack of clarity of mission and exit strategy and of the premise for the mission in the first place; and that is that it is essential for U.S. ground troops to be a part of the so-called peacekeeping effort or else it will fail.

As I said before, Mr. President, if this agreement is so fragile that the sine qua non—that without which—for its success is a commitment of 20,000 American ground troops, then it is probably a peace too fragile to be sustained in any event, and those are the messages I think we should send in the resolutions that we adopt tomorrow.

I think that the bottom-line message should be that the President should not get us into these situations in the future, and it is not fair to those who we ask to do the fighting for the United States of America.

And so, Mr. President, we commend those who have negotiated the peace. We pray for those who will be doing the fighting. We pray for the recovery of the area in which so much turmoil and difficulty has occurred over the last several years. And we certainly hope that while this mission begins in much controversy, that it can end successfully and without loss of life or casualty to our United States troops.

Mr. President, I thank you, and I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I wholeheartedly agree with all the comments made by the Senator from Arizona [Mr. KYL]. He and I have talked about this long and hard, and for many, many hours here on the floor of this body, and it is something that has concerned us.

We expressed the concern in the past when we both served in the other body and served at that time on the House Armed Services Committee about the problem that we have and are confronted with when the Commander in Chief, the President of the United States, is able to send troops into areas with a total disregard of Congress, of either House of Congress. It is as if we are totally irrelevant.

We are the expression of the American people. We are the ones who are expressing the sentiments, I think, very clearly that shows up certainly in Oklahoma, and I suspect all over the country. The problem that we have is very simple, that the President sends the troops over on these humanitarian missions that do not relate to our Nation's security, and then he comes back to us and says he wants an emergency supplemental appropriation to pay for it when in fact we would not have incurred that cost if we could have been consulted or been made a part of the decision.

I do not mean this to sound at all partisan because when the decision was made to go to Somalia, it was made in December 1992, which was right after President Bush—he was still in office, but he had been defeated. It was supposed to be for 45 days. In other words, in December, the troops are going to go over and in January they are going to come back. It was to open a roadway for the delivery of humanitarian goods to the people of Somalia who did not want us over there to begin with. I disagreed with President Bush, who was a Republican, like I am, at that time.

Then, of course, right after that, in January, we reminded President Clinton that in fact we should bring our troops home because the intent originally was to send them over for 45 days. And so, each month thereafter, approximately each month, we sent resolutions to President Clinton saying, bring our troops home from Somalia. And he did not do it and did not do it, and months went by, until finally there was the brutal murder of 18 of our Rangers and their mutilated bodies, corpses were dragged through the streets of Mogadishu. Of course, then it was too late and then the American people rose up, and this was enough pressure that we indeed brought our troops back from Somalia.

We sent troops down to Haiti. We were not part of that decision. Haiti was supposed to be considered as the crown jewel of President Clinton's foreign policy. He said he was going to send the troops down there for 12 months. Then we sent them down in September, and 12 months later—this was this past September—they are still not back. Now 3 more months have gone by and things are getting worse down there, not better.

We realize we made a mistake in Haiti. That was not anything that related to our Nation's security. Indeed, it was to go down there—at least it was reported by the President that we were going to go down and get someone who was duly elected back in office. We have been watching in recent weeks, in recent days of the turmoil that exists there, and we still to this day have troops in Haiti.

Just a few weeks ago, we were asked to vote for an emergency supplemental to pay for Somalia and Haiti and some of these humanitarian gestures. I guess Rwanda was in there, too. It was a $1.4 billion appropriation.

So this procedure the Senator from Arizona, Senator KYL, was talking about is what is really wrong because we do not have any voice in it, and yet we have to turn around and vote for a supplemental appropriations to appropriate money that has already been spent on a mission that we did not agree with.

What happens if we do not make that appropriation? The President merely then just goes to the military budget and pulls it out of the operating budget which is already cut down to the bone, down to a level that we cannot defend our Nation on two regional fronts, as it is today. And then we are deleting those very scarce resources and assets, military assets, by these humanitarian gestures.

So I am rising today during this time really to speak on two of the three votes that will be before us tomorrow. The first one, as I understand the order, from the leader is going to be H.R. 2606. Congressman JOEL HEFLEY from Colorado, who incidentally spent the last weekend with me in the State of Oklahoma going around and explaining to the people and participating on nationwide radio talk shows to let people know just what is happening, that the President made a commitment more than 2 years ago to send 25,000 troops in on the ground in Bosnia, and we are now almost out of time. I am not sure there is anything we can do now to stop the President from doing this. But just on the possibility, remote possibility, as it is, that the President may, since he made that statement, have realized what he is doing in sending our troops over there into that incredibly hostile area, that maybe we can give him an out. So we have two efforts to do that.

The first effort is H.R. 2606, as was passed by Congressman HEFLEY in the House of Representatives. I will read just the preamble to this.

> To prohibit the use of funds appropriated to the Department of Defense from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as a part of any peacekeeping operation, or as part of any implementation force, unless funds for such deployment are specifically appropriated by law.

It is a very simple and straightforward two-page bill. That is all it says. It just says we in Congress are relevant. We in Congress should be heard. After all, we are the ones that

appropriate money for our military operations. We are the ones who make the fiscal decisions in this country. The President submits his budget, but we are the ones who get down to the detail of passing budgets that are consistent with the desires of the American people.

And so I strongly support H.R. 2606. I do not think it is going to pass. But I am going the tell you, it is a defining vote. Come the elections in the future, there are going to be people looking back and saying, we had an opportunity, not just intent of Congress. We already passed one of those. Senator GREGG put that on as an amendment. It was voice voted. And, of course, Senator HUTCHISON and myself and some others have a resolution of disapproval that we are going to be trying to pass tomorrow. That is important, too.

But this particular bill has the meaning of law, has the force of law. It says that we are not going to appropriate the funds that are necessary for the mass deployment of troops into Bosnia unless it comes to Congress or Congress approves it.

Now, this does not take away any of the powers of the President. It merely says that the President should not do it unless he has the Congress and the American people behind him. I can tell you right now, Mr. President, he does not have the support of Congress behind him, and he does not have the support of the American people behind him. He does not have the support of the vast majority of the people in this country; I think they are offended—unless Oklahoma is a lot different than any of the other States.

I was all over Oklahoma this past weekend, and I can share the frustration that people all the way from Lawton, to Anadarko, to Tulsa, that they are offended that this has been railroaded through and that we have not had a chance to have the American people be heard.

You might ask, is it really that hostile of an area there? The Senator from Arizona talked about such things as mission creep. You know, we have already had mission creep in this case. This was going to be peacekeeping. Now it is going to be peace implementation. There is a big difference between peacekeeping and peace implementation, because peacekeeping assumes that there is peace today, when there is not peace today. Peace implementation means we must implement peace. There is a big difference. That has seemingly gone unnoticed. This thing about mission creep is that it starts out simple and sounds good to the American people, just like, I suppose, Somalia sounded back in December 1992. It sounded like it was very reasonable. Yet, who could argue at that time against opening up a road in order to send humanitarian goods up to the people who were having all kinds of social problems? So we did it. But that kept creeping and creeping until we lost many American lives.

There are quite a few people in Congress who have been to Sarajevo. Sarajevo is the area people talk about and think about when they think about Bosnia. But that is not the area where our troops are going to be. Our troops are going to be, according to the map that has been drawn out, to the north of that, from the north of Sarajevo, all the way up, almost to Hungary. That is where we are going to have our troops. That is the hostile area.

I had occasion to prevail upon a British general, Rupert SMITH, who was kind enough to take me up, since none of the Americans had been up there. I found out later that even the two fine generals that were training the 1st Armored Division in Germany to go up, General Yates and General Nash, had not personally been in that area at that time, and they are training our troops to go into that area. Then I found out subsequently, the other day—last week, or a week ago today—when we had a Senate Armed Services Committee hearing, that neither General Shalikashvili or Secretary of Defense Perry had been in that area. I know the President has not been in that area. So I have to come to the conclusion that those individuals have not been there to see how hostile it was.

Let me just tell you why, how they happened to discover this. Secretary Perry was talking about how peaceful it is up in the Tuzla area. I said, "Mr. Secretary, I was up in the Tuzla area. There was firepower going around up there, and it has not ceased since the cease-fire took place. When was the last time you were?" He said he had never been there.

General Shalikashvili said, "We are training them in an area and an environment that very nearly represents the environment up in Tuzla."

I said, "I have been to Tuzla and to the training area in Germany, and it is not really analogous to the training area. When was the last time you were there?" He had not been there.

So here we have a hostile area, and we are guessing that there are more than 6 million mines in that area. This is not like it was in the Persian Gulf where you could go in and deactivate mines, because it is not a desert. This is ground that is frozen, and the only way to find out is if you drive an M–1 or an armored vehicle on it and activate it. This is the type of hostility that is there.

We hear a lot about the peace talks that took place in Dayton, OH. I say that maybe the wrong people were there. Sure, Milosevic was there, but it was my experience in the time I spent in Bosnia that he is not the one calling the shots. It is Karadzic occasionally and, of course, many factions have broken away from him. We are dealing with three major factions there—the Croats, the Serbs, and the Bosnian Serbs, and we have the Moslems. In addition to that, you have the Arkan Tigers, a throwoff of the Serbs; the Black Swans, which is related and was at one time a group of Moslems; the mujaheddin is still active; the Iranians are there. We have identified nine subfactions, or rogue elements, that are up in that area where we are talking about having our troops walking around. These elements have been known to fire upon their own troops, murder their own flesh and blood, just to blame it on one of the other elements.

I suggest, Mr. President, if you are dealing with that kind of mentality, what would preclude them from firing on our troops to blame somebody else? The administration says, no, we have a couple of ways we can get out of Bosnia. One is at the end of 12 months. It was interesting that the President started out presenting this program and saying, "We are going to send troops into Bosnia for 12 months."

Well, on October 17, during the Senate Armed Services Committee hearing, I said to General Shalikashvili, the Chairman of the Joint Chiefs of Staff, "I do not understand how you can have an exit strategy that is tied to time." I asked him, "How do you know what is going to happen 12 months from today? Exit strategies are tied to events and our success in the various efforts there, and whatever we are enduring."

He said, "No, it is going to go 12 months. On the 365th day they are coming back."

That did not sound realistic, and I think a lot of people further down in the bureaucracy were trying to withdraw from that 12-month commitment, until a week ago today when they reaffirmed their commitment. General Shalikashvili said, "It is inconceivable that we will be there after 12 months."

Well, then the President, over the weekend, reaffirmed that. They are talking about an exit strategy of 12 months. What if we go over there and we have something—which I do not think we have—but something that relates to our Nation's security interests, or our vital interests, so we engage in combat. We go over there to do whatever we are supposed to be doing there, to contain the civil war, to protect the integrity of NATO, or whatever they say is worth the cost of hundreds of American lives, at the end of the 12th month, they are saying, no matter what, we come home anyway. What if we are almost there? No, we are going to come home.

I had occasion to talk to people who are very familiar with the Bosnians, the former Yugoslavia, the various cults and ethnic groups and the rogue elements that are up there, and they said one thing people do not understand in the United States is that those

people do not think like we do. Their conception of time is not what ours is. General Hoagland, who was the general from Norway, up in the Tuzla area where we are talking about sending our troops—and we are as we speak—he said 12 months is absurd; it is like putting your hand in water and leaving it there for 12 months, and when you pull it out, nothing has changed, it is just like it was. And then when I commented to some of the soldiers up there who are familiar with that area, I said, "What about the 12 months and being out in that time?" They said, "Are you sure you are not talking about 12 years?"

So these are the unknowns that we are dealing with. These are the rogue elements. This is the hostility, and these are the chances we are willing to take. If you do not believe what I am saying, Mr. President, I suggest that you go back to that meeting of October 17, when we had Secretary Christopher, Secretary Perry both there at the meeting. That was shortly after Gen. Michael Rose from Great Britain, who was the commanding general in charge of United States forces in Bosnia, certainly there was no greater authority at that time on the conditions in Bosnia than Gen. Michael Rose. He said, if Americans go into Bosnia, they will sustain more loss of lives than they did in the Persian Gulf war. Well, that was 390.

I specifically asked the question, I said, "Secretary of Defense Perry, let us assume that all these experts are right and we are going to lose at least 400 lives over there. Is the mission as you have described it, that is to contain a civil war and to protect integrity of NATO, is that worth 400 American lives?"

He said, "Yes."

Secretary Christopher said yes. I say no. That is the defining issue here. We will have an opportunity to get people on record. I hope the Senators that are preparing to vote on these very significant things understand the seriousness of it.

We have an opportunity to do something to stop it. It is remote. As I said when I began a few minutes ago, maybe we cannot pull it off. If we do, maybe the President, in the case of H.R. 2606, which I strongly support, maybe he would veto it or he would let it sit on his desk until we have the troops over there and then it is too late.

As Senator KYL and others have said, we are in full support of our troops. That is, everyone in this Chamber is in support of our troops. The best way to support our troops is not send them over there in the first place. Those who are over there, a handful, bring them back.

That is essentially what we are attempting to do with H.R. 2606. We are saying we will not appropriate the money to send the troops over unless you come to Congress, present your case to the American people, and sell your case. It is as simple as that.

There is a defining vote. People who vote against H.R. 2606 are saying "No, Mr. President, you go ahead. You don't have to come to Congress. We will go ahead and appropriate the money. We are serving notice we will appropriate the emergency supplemental."

The same thing with the Hutchison-Inhofe resolution. That is a defining vote. People are going to have to answer to that in years to come—I am talking about U.S. Senators—as to whether or not they were supporting the troops being sent to Bosnia. We all support the troops.

Mr. President, this is probably the most significant vote—these two votes will be the most significant votes we will be voting on. I know a lot of people, the families of the thousands of American troops that are going to be sent over there. This is the most defining vote.

I could not find anyone yesterday in the streets of Anadarko, OK, who thought the mission as described to them is worth the loss of one American life, let alone 400 or 1,000 or whatever it ends up being. I think the American people are solidly behind our effort to stop the deployment, even though it is almost too late now.

The President says this is only going to cost $2 billion. They gave a figure of what Somalia would cost, what Rwanda would cost, what Haiti would cost, and they are off by a few billion and had to come back for supplemental appropriations.

Mr. President, we are going to have an opportunity to vote on three issues tomorrow. Two are resolutions without the force of law; one has the force of law. I think the toughest vote will be the vote on H.R. 2606. Those who really feel so strongly that the American people and Congress should have to give permission before the President sends the mass deployment of troops into Bosnia, this is the opportunity for them to cast that vote.

I had a phone call last week from Capt. Jim Smith, who I believe is from New Jersey. He is an American hero. He was a career military officer. He lost his leg in Vietnam. He lost his son in Mogadishu. He said to me, "You know, I had two letters from my son. The first one was concerning the rules of engagement that we were using in Somalia. They said we would have robust rules of engagement," and he characterized those the same way that Captain Smith today is characterizing the rules of engagement that we have.

The last letter he got, his son made the statement to his dad in this letter right before he was one of the 18 Rangers who lost his life over in Somalia and his corpse was dragged through the streets of Mogadishu, and he said, "Dad, over here we cannot tell the good guys from the bad guys."

I suggest that is exactly the situation in Bosnia. I know people who are trying to make that into something that is really relating to our Nation's security. I do not think we can tell the good guys from the bad guys. Take a snapshot in the history of that area in the last 500 years and one is that the Serbs are the bad guys and the next is that the Croats are the bad guys. We saw what happened in the First World War; we saw what happened when Marshal Tito put together a coalition because he was in the unique position of being a Croat and yet was also a Communist, so he was able to break away from Hitler's operation where a lot of the Croats went, and held this very fragile country together against Hitler's onslaught on a ratio, for a 2-year-period, of 1 to 8. What I am saying is, this hostile area we went into, he was able to hold off the very best Hitler had to send in on a ratio of one soldier to eight soldiers. Until you fly over 100 feet off the ground and look down and see the environment and the cliffs and the caves, you cannot really appreciate this.

Unfortunately, the five people who are in charge, the architects of this thing, the various Secretaries and the President himself, none of them at the time the decision was made had ever been in that part of the world. It is understandable why they might not understand the serious danger that lurks up there for our troops.

I stopped by the training area a few weeks ago and talked to a lot of the troops. I went into the mess hall. I have not been in a mess hall since I was in the U.S. Army, and I enjoyed visiting with all of them. It was very difficult for me to answer the question when they asked me: What is the mission? What is so important over there?

I try my best because I am in full support of the troops. I said, if you go over there, you will have a mission. We will have the American people behind you. But I could not answer the question about the mission.

I talked to one James Terry, a young man who would be in the first group. He may be over there now. He is probably part of the logistics team over there. When I came home, I talked to his mother, Estella Terry, in Oklahoma, and I got to thinking that the test that Congressmen heavily used over in the other body was, what do you tell—I guess it is called the mother's test—what do you tell somebody who has lost a son or a daughter or a husband or a wife? What can you tell them they died for? This is the test that the President has failed to meet.

I am hoping that with the two opportunities that we have on voting in the Hutchison-Inhofe resolution of opposition to the deployment of troops and H.R. 2606 to actually stop—this is the litmus test. We will stop the appropriations so they cannot be sent there in

the first place, this mass deployment, and bring those who are there back.

This is very, very significant and probably the most significant vote that we will vote on. There is a third vote, and that is the vote that will come up tomorrow that is trying to be conciliatory to the President's plan. I have looked at his plan. I think it is so flawed that it cannot be fixed. I do not think we can fix it. I plan to vote against the resolution that would, for all practical purposes, approve what the President is doing.

Lastly, I will conclude by saying we are behind the troops and the troops are behind us. We are the ones—it says to stand up here and say we support the troops. How can you say we support troops and send them into the environment I just described? I do not think we can do it, and I do not think people are supporting the troops when we do that. We have an opportunity, a last-ditch effort, and after that the opportunity is behind us, and we will have to start watching what is going on, giving full support.

If there is anyone here, Mr. President, who disagrees that the troops are behind what we are trying to do, I suggest you look at the veterans groups. A week ago we had a news conference. Every veterans group I am aware of in America was present. We had the American Legion, the DAV. We had the veterans of the Korean war. We had the veterans of Vietnam. We had the Jewish veterans. They were all there and they all stood up and said, we are for the troops, and the best thing you can do for the troops is keep us out of this fight over there that is not our civil war, because we could very well have some causes that would come up where we need to send troops.

We cannot be depleting our resources. Certainly, people like Saddam Hussein and others around the world are looking at our weakened condition now and the fact we are further weakening our military assets by sending them out on the humanitarian gestures.

Mr. President, I suggest we will have an opportunity tomorrow to cast three votes. I think the votes, the right votes, are to vote against the resolution of support for the President and vote for the resolution and the bill that supports our troops and stops the deployment of troops into Bosnia. I yield the floor.

Mr. THOMAS. I rise to speak on the issue that is before the Senate, that has been before the Senate for some time, and our decision with respect to our role in Bosnia.

This has been going on, of course, for a very long time, nearly 4 years, so we have had a great deal of opportunity to think about it, consider what our role should be, also what great opportunities and, of course, to watch what is happening, watch the tragedy that has, indeed, taken place. So we hear a great deal of conversation about our role in keeping peace, our role in helping to provide freedom, our role in stopping the fighting. Everyone agrees. So the question is not whether you agree with being active in that effort, but how do you best do it? The question is, how do we deal with the crisis that has been there? The question is, what is our role in this particular incident?

What is our role, then, as a matter of policy, in other places where there are similar problems? What is our policy with respect to civil wars? Our policy with respect to ethnic disturbances? Is it going to be our policy to participate in each of these, where we have troops now in the Golan Heights, where we have troops in Algeria, where we have troops around the world, keeping the peace—or, in fact, creating peace?

Where do we not have a policy of that kind? We asked that question to the administration.

"Well, this is separate. We will make each decision separately."

I do not think that is the way it works.

Mr. President, the first concern I have had for some time is with the process that has taken place here. The process has been one that has, either by design or by accident, co-opted the Congress almost entirely. It started 2 years ago. The President said, I think almost offhandedly, "We will put 25,000 troops in to help the United Nations pull out if need be." There was no particular reason for 25. It could have been 10. It could have been 40. But 25 it was. So nothing happened, much, with that. And the United Nations continued, through their dual-key arrangement, not to be particularly effective; not effective at all, as a matter of fact. So the Congress acted finally. The Congress acted, and said we want to raise the arms embargo so we can provide an opportunity for the Moslems to defend themselves and create more of an even field. So we did that.

There was no support from the administration for doing that. However, it did cause, I think, the administration to move. So, then they said to NATO, let us bring in some aircraft strikes. We did that. It did not affect a great deal but it did tend to even the playing field. The Serbs had much of an advantage in heavy weapons.

So the Moslems and Croats got together, which tended also to make the playing field more even, which is really the basic reason the Serbs came to the table. So we said to the administration, What is our policy with regard to this?

"Well, we cannot talk about it now because we are going to have a peace conference and we do not want to get ahead of that."

OK. Did that.

Then there was a peace conference and for whatever sticktoitiveness there is, that one came out, initialed peace conference in Dayton.

We said, after the conference, What is our position? What are we committed to? What can we do? How do we participate as Congress?

You cannot really participate because we have a peace conference and we do not really want to talk about it.

Then the President goes off to Europe, agrees to do the things he has agreed to do, and of course they welcome it with open arms. Why would they not? We are willing to do the heavy lifting. So, then the next thing we know, the troops are there.

Now, the big movement of troops has not taken place, but American troops are there now. So we had a hearing, not long ago, in the Foreign Affairs Committee, and the Secretary of State was there, the Secretary of Defense, and the Chairman of the Joint Chiefs. I asked, "What, in your opinion, is the role of Congress in this matter of foreign policy and in this matter of troops to Bosnia?"

Frankly, I did not get an answer. Finally, the Secretary of State said, "Well, to provide the money."

I think there is a larger role than that. You can debate the Presidential power, Commander in Chief, debate the money—but there is a role in terms of having support for what we are doing and including the Congress; not coming up and telling them what we have already decided to do, but, rather, have a real role.

I was in Bosnia about 6 weeks ago, along with several of my associates here. And we spent a day in Stuttgart with the Supreme Allied Commander. This was 6 weeks ago. I can tell you, in terms of the administration, that decision was already made. It was already made, what we were going to do.

We asked. "We are impressed with what you are doing, general, in terms of training and preparation, but are there alternatives?"

There were no alternatives.

I do not believe that. There are, in fact, alternatives.

So, that is where we are. I happen to oppose the idea of sending troops on the ground to Bosnia. The real, basic question has never been satisfactorily answered, as far as I am concerned.

Let me divert, to say I respect the opinions of everyone who is involved here as being their basic gut-felt feeling about it. But the real question, what is our national interest, has never really been answered. What is our position? What is our policy? What will we do in instances similar to this? Is this what we are going to do hence?

So, until that question is answered, really, all the stuff about how you withdraw, how you are in harm's way, how you enter, how you get out, how many troops, are not really relevant if you have not established the idea that it is in our national interest to be there.

So, I think that question has never been resolved. There are many arguments. One is to stop the genocide. Of course we want to do that. As a matter of fact, it was my strong feeling when we were in Sarajevo, when we were in Croatia, that folks are anxious to stop. They are tired of fighting. You can imagine that. You can imagine that. And if there is real dedication to the peace agreement, it is hard to imagine that we need 80,000 or 90,000 troops on the ground from other places to cause this to happen.

Is this the only alternative? I do not think so. They continue to say nothing would happen if the U.S. does not take leadership. We were also in Brussels, in Belgium, with NATO, and all 16 of the Ambassadors from the NATO countries stood up and said, "Gosh, we just do not think we can do it without the Americans providing the majority—a third of the troops, the basic payments, the heavy lifting to get there."

Of course they could do it. Of course we can continue to participate in NATO. This was not really the mission of NATO originally. NATO is sort of looking for a mission and they are excited about the opportunity, generally, of doing this.

We hear that Bosnia is the heart of Europe and the conflict may spread. It could, of course. Four years—4 years, during the height of the fighting, it has not spread. Bosnia is hardly the heart of Europe. Bosnia is the edge of Europe and, as a matter of fact, the strife that has taken place there has taken place, historically, because someone else has come there.

So, Mr. President, this is a tough issue. We are going to have a chance, finally, to vote on it, as belated as that may be. And, as my friend from Oklahoma said, there will be a number of alternatives and we will have to make that tough choice. But it is my belief we can continue to involve ourselves in the diplomacy.

I congratulate those who have done that diplomacy. We can continue to provide support. We can continue to provide airlift. We can continue the work in NATO. We do not necessarily have to have 30,000 troops on the ground there. It is a very tough area. This idea that you go in and separate them—this morning I sat in for a little time on the civilian aspect of it. What do you do when you are there? There are refugees, thousands of refugees, who will not be in the sector that they live in. And their property is gone. How do you return that? How do you get a Croatian back into the Moslem area to reclaim his home?

They say we are not going to do that. So this morning they are saying we will have to do the policing; we will have to train them on policing; we will have to arm the Moslems. There is really a great deal more to this than separating those two areas and separating the zone, and we are obviously going to end up doing it.

The price now talked about is $1.5 billion, plus another $600 million for nation building. If you would like to bet, it will be at least twice that. Of course it will. Of course it will. So we ought to really talk about the incremental costs and what that is.

But more importantly, Mr. President, and I conclude, what is our role? What is our role in the world? How do we do this in terms of troops on the ground throughout the world? What is the division of understanding here as to what the role of the Congress is?

I think most of us are very close to the people we represent. I can tell you that in our response in Wyoming, I think we have had two calls out of hundreds that favor the administration's position, which does not make it right or wrong, but it is an indication of how people feel.

So, Mr. President, I hope we come to the snubbing post, and decide what our role is. In my view, that role is not 30,000 troops on the ground.

Mr. President, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want to take this opportunity, as all of my colleagues are doing the rest of the day and tomorrow, to comment on this very important issue of sending troops to Bosnia and, of course, on the specific resolution before us.

Given the President's obvious intention to move ahead regardless of whatever we decide to do in Congress, I am not sure what the effect, or even the need, is for the resolution before us because it seems to me that the train has left the station.

Of course, we all have a constitutional responsibility to let our views be known. We have a responsibility to vote on these issues, and even though the President is moving forward it gives some of those of us who object to his doing that an opportunity to express our views.

Of course President Clinton is touting support for his position from former Presidents, including former President Bush. However, the President does not have support where it counts the most—and that is support from the American people. Even former President Bush, in his qualified support, stated,

> I still have significant misgivings about the mission itself, about exactly what our troops are expected to accomplish, and about when they can get out and come home. In my view, the answers on these points are less than clear.

President Bush has expressed very well what a lot of Americans are thinking who tell us that they have questions about this or that oppose it. It really is not clear-cut. For instance, the President's speech to the Nation and several subsequent speeches to different groups trying to sell this mission has not won over the broad support that a President ought to have when American lives are being put in jeopardy.

Unlike some of my colleagues, as well as the President, I believe Congress does have a leadership role in authorizing a military deployment that involves a large contingency, and a long period of operation. This certainly is not a Grenada or Panama-type of operation that lasts a few days or weeks. As a matter of fact, we know this Bosnia operation will last at least a year, and in reality probably multiple years. Last weekend, the President stated that we would be in Bosnia "about a year." Of course, this President is not know for his accurate statements. This begs the question of what is our exit strategy? Well, the only strategy we have is that we will leave whenever the President decides to leave, which is hardly a strategy at all.

We also do not know the cost of the mission. I have seen Pentagon estimates of around $2 billion. Other estimates double that price. And, even this princely sum amounts for only the 1 year we will supposedly be there.

Even the troop numbers have been misleading. All we hear the administration talk about is the 20,000 troops on the ground.

Obviously, there are going to be many more troops involved even if they are not there right on the ground.

Of course this does not include the 14 to 20,000 additional support troops that will be required. So, we are really talking about closer to 40,000 troops, which is a sizeable number of Americans the administration is putting at risk.

And what are some of these risks? Well, beyond the obvious ones involved with getting stuck in the middle of warring sides that have hated each other for centuries, we know that up to 6 million landmines are in the area, but we only know where 1 million of them are. Major minefields are in or around the area of tuzla, where American troops are to be stationed. That is a fact.

Also, hundreds, and possibly thousands, of Islamic mercenaries who have been helping the Bosnians, and are bankrolled by Iran and others, could now pose terrorist threats to our troops.

Let me say that troops generally who are peacekeepers are in danger in a situation like this, but especially I believe American troops are a special lightning rod that terrorists would love to hit as opposed to maybe troops from other nations.

There is supposed to be an agreement from the Bosnians to remove these mercenaries, but will they be removed? But even with the best of intentions, that will not happen in less than a month.

In addition, there are those that want to train and arm the Bosnians before we do anything. What kind of a message does this send to the other side?

Up to now, I have joined most of my colleagues in providing support for the Bosnian Moslems by reducing, or eliminating, the embargo of arms there. But now we are supposed to be an honest broker, or at least an objective mediator, once the peace agreement is officially signed. So I just do not see how we can be an objective referee when we are arming and training one side of the conflict.

Then we hear the disturbing argument that we have to vote for this resolution in order to support our troops. Well, of course, this argument has absolutely no merit. We all strongly support our troops, and regardless of the outcome of this vote, we will do that just as we all did after the very crucial debate and vote on going to the Persian Gulf war even though there was a great deal of disagreement on the sending of those troops at that time.

I was one of only two Republican Senators to oppose the Persian Gulf resolution, and this administration has provided even less of a need to deploy troops in Bosnia, notwithstanding the fact that this is supposed to be only a peacekeeping mission.

The administration argues that NATO and our leadership of NATO is on the line. This just is not convincing to the American people, because none of our NATO allies—nor is the United States—under any kind of national threat as defined by the NATO treaty of 50 years now. Our European allies should be taking a lead in this matter and sharing more of the financial burden. And, yes, the United States should—and can and will —provide support for their effort, including air and naval assistance.

Finally, what some are now saying is that the vote on this resolution boils down to helping a President keep his commitments. As a Senator, I have my own constitutional responsibilities, and those responsibilities do not include helping a President keep a commitment that many, if not a majority, of the people do not believe should have been made in the first place.

So, Mr. President, the bottom line, as far as I am concerned, is there are a number of unanswered questions and a lot of questionable assertions made by President Clinton that simply do not add up to common sense. And, therefore, I cannot in good conscience support President Clinton's decision to deploy troops to Bosnia.

I thank you. I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to support the Hutchison-Inhofe resolution. The Hutchison-Inhofe resolution is very simple. It has two parts.

The first part says Congress opposes President Clinton's decision to deploy United States military ground forces into the Republic of Bosnia-Herzegovina to implement the general framework agreement for peace in Bosnia-Herzegovina and to its associated annexes.

Section 2 says:

> The Congress strongly supports the United States military personnel who may be ordered by the President to implement the general agreement for peace in Bosnia and Herzegovina and its associated annexes.

That is it, Mr. President. It is very simple and very clear. I wish to state from the beginning a few parameters around the debate that I am getting ready to make. First, I think there is no politics in the debate on this issue. I truly believe that every Senator is making a vote of conscience. It is a tough decision. It is not easy for anyone. And I do not think anyone's integrity can be impugned by saying there is some political reason for how that person decides to vote. In fact, as you know, anytime you are sponsoring a resolution or an amendment in this body, if you care about it, you ask people for their votes. You try to talk them into voting for your issue, especially if it is something that affects your State.

I have not asked anyone for a vote on this issue. I would not feel right asking someone to vote against his or her conscience on something that important. So this is not a matter where you work the floor to try to get support for what you are doing. What you do is take a position and say this is the way I think we should go, and everyone who agrees with you will be on that resolution. And in fact the Hutchison-Inhofe resolution has 28 cosponsors. I do not know how many votes we will get for the reasons that I have stated. I just have not asked.

Mr. President, I would like to say I respect the President. I think he thinks he is doing the right thing. I think he did a good job of bringing people to the peace table to talk. I disagree with his decision to deploy American troops on the ground in Bosnia, but I certainly respect the office and I think he believes he is doing what is right.

I wish to make the point—and it is what I said to the troops I met with last Saturday night at midnight at Killeen, TX, at Fort Hood, as the troops were getting ready to go to the airplanes to take off for Bosnia. I told them that I believe—and I know it is true, it is a fact—that 100 percent of the Senate is going to support the troops.

Now, we are going to disagree on the policy, but we are not going to disagree that we support the troops, and they are going to have everything they need for their security if they are deployed in this mission. They will have the equipment. They will have the weapons. They will have the shelter. They will have the electric socks if they need them. They will have the training. And most important, they will have the spirit. They will have the spirit of knowing that the American people may disagree with the fact that they are going, but they support the troops 100 percent because they are giving their time and they are putting their lives on the line for our country. We are the greatest country in the world, and we appreciate every single one of them.

I visited with some pregnant wives. I visited with some new wives, two-day-old wives. I visited with parents who had come in from all over the country to say an early goodbye to their loved ones, men and women who were getting ready to take off. They knew I did not want them to go, but they knew I was going to do everything in my power to bring them home safely.

It gives me the greatest feeling in the world to visit with our troops. There is nothing more wonderful than an American in service to his or her country. They have the most wonderful attitude—positive thinking. They are well trained. They are professionals. They are ready to go when the Commander in Chief gives them the call.

So now we must decide if we are going to support what we consider to be a bad decision. I think it is a legitimate question to ask, why oppose now; the troops are on the way. I am opposing now for three reasons. I am opposing because I disagree with this policy, and I wish to discourage future such missions. I disagree with this policy, and I believe it is my constitutional responsibility not to rubberstamp it. I disagree with this policy, and I hope to give the President every opportunity to back away from this decision—the basic tenets of the peace treaty are not in place—before he does the mass deployment.

If the Serbs in Sarajevo continue to burn the American flag, if they are not committed in body and mind to this peace agreement, I hope the President will say, "No. No, we are not going to deploy American troops if the peace treaty is not intact."

That is why I am putting this resolution in with 27 of my colleagues, to make sure that the President has every opportunity to say there is disagreement in Congress on this issue, and I am not going to send the troops into harm's way if a peace agreement is not intact. And if they are burning the American flag, the peace agreement is not intact.

So let me take each one of my reasons and flush them out a little bit.

I disagree with the policy, and I wish to discourage future missions. I do not want this to be a precedent for the future. The President has said NATO will

fall if we do not do this. I disagree with that. I think NATO has a place in the post-cold-war era. But NATO was put together as a mutual defense pact when there was a big-time aggressor, the U.S.S.R. There is no big time aggressor, so we must look at our responsibility under the NATO treaty. We must look at the role of NATO in the world we live in today, not the world we lived in in 1945. And we need to say, what is the role? We need to debate it, if we are going to expand it, and we need for Congress to approve it, if we are going to have a new treaty with NATO. And we must do this thinking ahead, not by moving crisis to crisis, not by going to Somalia and saying we are going to try to capture a warlord, and then when we lose 18 rangers walk away, not by going into Haiti without the approval of Congress and $1 billion and 1 year later seeing the same problems arising in Haiti that they had before we landed. And now we have Bosnia, a civil war in a non-NATO country, and we are told NATO is going to fall if we are not there in a non-NATO country, in a civil war.

Mr. President, that does not pass the commonsense test. We should have a strong NATO. To do that, we must determine what NATO's role is in the future, and we must not act crisis to crisis and send our kids into harm's way for a false reason. We could dissipate our strength if we bounce from one civil war to another across the globe because we do not have infinite resources.

We have finite resources, Mr. President, and we have spent $1 billion in Somalia. We are going to spend $3 to $5 billion in Bosnia. What are we going to do when we are really needed in a crisis that does threaten U.S. security?

What if North Korea, with nuclear capabilities, erupts? What if Saddam Hussein decides to take another march? Are we going to have the resources if we have spent $3 to $5 billion in a civil war when we could have spent less helping the people of Bosnia rebuild their country, which we want to do?

Mr. President, we have not thought this through, and one of the reasons it has not been thought through is because Congress was not consulted. Which brings me, Mr. President, to my second reason for continuing to oppose the President's decision, and that is the role of Congress in the declaration of war, or sending our troops into hostilities, which are the equivalent of war under the Constitution.

I do not like to oppose the President on a foreign policy issue, but I have a responsibility as a Member of Congress that was given to me in the Constitution of this country. I want to talk about that because that is a disagreement on this floor. It is not partisan. But many people believe that Congress really does not have a role in this, that the President has the right to do what he is doing.

The President does indeed have the right to command our forces. He is the Commander in Chief, and he has the right to act in an emergency because Congress gave him that right in the War Powers Act. We did not want him to be hamstrung. We did not want him not to be able to send troops in if American lives were at stake, and if he did not have time to come to Congress.

But, Mr. President, sending our troops into Haiti for 1 year without ever asking Congress' permission, or even asking their opinion, is wrong. That is a violation of the Constitution. And we are getting ready to do it again on Bosnia.

I have the Federalist Papers right here. The Federalist Papers, of course, were written by three people who were crucial in the decisionmaking in writing our Constitution. In Federalist Paper No. 69, written by Alexander Hamilton, he discusses the role of the President as Commander in Chief, and he is comparing it to the role of the King of England, which, of course, we had just left and tried to make a better country because many people were dissatisfied with a monarchy. So here is what Alexander Hamilton said about the war powers of the President.

> The President will have only the occasional command of such part of the militia of the nation as by legislative provision may be called into the actual service of the Union. The king of Great Britain and the governor of New York at the time have at all times the entire command—

Not part—

> . . . of all the militia within their several jurisdictions. In this article, therefore, the power of the President would be inferior to that of either the monarch or the governor. Second, the President is to be commander-in-chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the Confederacy; while that of the British king extends to the declaring of war and to the raising and regulating of fleets and armies—

I move to No. 74 by Alexander Hamilton, where he says:

> Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand.

Mr. President, he was speaking to us. He was saying, do not have one person able to declare the war and to run the war. And James Madison said exactly the same thing: Those who were to "conduct a war" could not be safe judges on whether to start one.

James Wilson, a delegate from Pennsylvania, said the checks-and-balances system "will not hurry us into war." He said, "It is calculated to guard against it. It will not be in the power of a single man, or a single body of men, to involve us in such distress." He was very clear, as were the others who have spoken on this issue.

They did not want the President to be able to send our troops into distressed situations without consulting with Congress. They wanted it to be hard. They wanted it to be muddy. That is why they put both people in charge, the President and the Congress, and they wanted them to work together so it would be difficult.

Louis Fisher, who wrote an article with some of the quotes that I have just given you, is a professor and an author. He has written the book "Presidential War Power." He says:

> It might be argued that "war power" is not involved because Mr. Clinton will use American forces for peace, not war. "America's role will not be about fighting a war," he said. He said he refused "to send American troops to fight a war in Bosnia," and "I believe we must help to secure the Bosnian peace."

Mr. Fisher says, "Mr. Clinton has already authorized air strikes against the Serbs." He now intends to send ground troops. By making an overwhelming show of force, he says, "American troops will lessen the need to use force." Note the word lessen. Anyone who takes on our troops, he says, "will suffer the consequences."

Mr. President, if that is not the equivalent of what would be considered war when the Constitution was written, what could be more clear?

Mr. Fisher goes on to say:

> Whenever the President acts unilaterally in using military force against another nation, the constitutional rights of Congress and the people are undermined.

I agree with Mr. Fisher: We are not upholding our part in the Constitution if we let this pass.

The third area of disagreement that is very important for why I continue to oppose this deployment is because I want to narrow the mission. I want there to be a time limit. The War Powers Act is supposed to give emergency capabilities to the President to go in when he cannot come to Congress. This President is asking for a year. That is not an emergency. We have been looking at this situation for 3 years.

We have asked the President to lift the arms embargo. He has refused to do it, and now we are put in the position of knowing that if there is going to be any kind of cease-fire that will last in that part of the world, it has to be when there is parity among the three warring factions. We wanted to lift the arms embargo so that parity would be there now. The President said no. In effect, the President did lift the arms embargo, but he made us the ones who used the arms when we started bombing the Serbs.

So I want to narrow the mission, and I want there to be a time limit so that the expectations will not be there any

further than 1 year. It is the expectations that got us into this mess because the President, without consulting with Congress, went forward and said, oh, yes, we will put troops on the ground, when he had so many other options. And troops on the ground should have been the last. Instead, they were the first.

So then people come and say, well, the only way you can show your commitment to peace in the Balkans is troops on the ground. When, in fact, there are many ways that we could have shown our commitment to peace in the Balkans that would have been much more effective than American troops on the ground because now the President says we cannot arm and train the Moslems because we are on the ground precisely. We should have said we would arm and train the Moslems and not put troops on the ground so we would not be taking sides at the time that we were trying to bring parity into the region. And we must have parity in the region if, when we leave, there is going to be any equity in the region.

So, Mr. President, many of my colleagues want to speak on this very important issue. I will just close with the last reason that I am going to oppose the President's decision, and that is the Larry Joyce test. One day when I was on the plane going back to Dallas from Washington, DC, a man walked up to me and said, "Hi, Senator. I'm one of your constituents. My name is Larry Joyce." And I said, as I normally would to someone like that, "Well, hi, Larry. How are you doing? What were you doing in Washington?" And he said, "I was burying my son in Arlington National Cemetery." And I said, "Did he die in Somalia?" And he said, "Yes, he did."

And as tears streamed down his face, he said, "Senator, I went to Vietnam twice. I am a military man. And now my only son, on his very first mission as a Ranger, is not coming home. Senator, I would just like to know why."

I did not feel good about an answer to Larry Joyce because I do not think our troops should have been doing what they were doing in Somalia. Now, his son did not die in vain because he was doing what he had signed up to do, and he was doing it with honor, and he was a great kid, Casey Joyce, just the kind of young man or the kind of young woman that I see as I visit our bases across the country. But I said that night I would never vote to send our troops into harm's way if I could not give the mother or father a good answer about why.

Mr. President, sending our troops into Bosnia under these circumstances is not meeting the test. Mr. President, I am urging the President of the United States to reconsider his decision, to make sure that he is sure, before he deploys American troops, that it is a U.S. security interest—not just an interest, which we certainly have and which we can fulfill without American lives on the line. I want the President to reconsider his decision, and I hope that he will.

Thank you, Mr. President.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Colorado.

PRIVILEGE OF THE FLOOR

Mr. BROWN. Mr. President, I ask unanimous consent that Michael Montelongo, a fellow in Senator HUTCHISON's office, be granted floor privileges during the consideration of the resolution on Bosnia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I rise in support of the Hutchison motion. I want to share with the Senate the concerns that I bring to a deployment of combat troops into Bosnia. Mr. President, I would, first, like to start with some things I think Members will agree on—at least I think they are facts that would be acknowledged by both sides in this debate.

First, the confrontation that we now enter by sending troops into what was the old Yugoslavia is a confrontation that is not new. It is a conflict that is at least 500 years old and, in some respects, goes back 800 years. For those who have talked to the participants, whether Croatian, Bosnian, or Serbian, they well know that those people not only are aware of that conflict, but they can recite to you the names and dates of the battles, going back hundreds and hundreds of years. In many cases, they remember battles that go back before the founding of our own Nation. This is not a new conflict. It is a conflict that predates even the discovery of America.

Second, Mr. President, I think it should be noted that what we enter into is a civil war. We enter into a conflict between the Croatians, the Serbs, and the Bosnians, and potentially other parties as well. But this is different than an effort by Germany to conquer the world. It is different than an effort by the Nazis to impose their will upon the people of the world. It is different than the efforts of the former Soviet Union to spread its influence and control over the world. This is not an invasion of a country, this is a civil war. I think all Members will agree that that is a fair and accurate summarization of the conflict we enter.

Third, Mr. President, I think Members would be remiss if they did not honestly note that the members of this conflict, the parties to this conflict, have not had a record of honoring peace agreements. For over 500 years, this conflict has waged, and people have talked about peace, a truce. For over 500 years, consistently, the peace agreements have been ignored.

When I talked to our troops in Sarajevo over Thanksgiving, one of the things that our troops told me—there was a gathering at the Embassy of the enlisted men of the contingent who have been in Sarajevo for some time. One of them paused and said, "I think I speak for all the people here, I believe, when we say that while we view the Bosnians in this struggle as the victims—and in many ways they have been—all sides have committed atrocities in this confrontation and, frankly, we expect the Bosnians, as well as the others, to break the peace agreement."

Mr. President, it would be a tragic mistake for Americans to go into this conflict without understanding that this peace agreement is not going to last.

Fourth, Mr. President, we now have an estimate from the administration that the cost of this adventure will be at least $2 billion. Frankly, Mr. President, there no presentation of how you are going to pay for it. At a time when we are struggling to bring the deficit under control, we now have a proposal to spend $2 billion over the budget. Mr. President, I must tell you, it is my own estimate that the cost of this will be much higher than $2 billion. If there are Members who disagree and would like to place a friendly wager on that, I welcome them. If anybody seriously believes that $1.5 to $2 billion is all this will cost the American people, I hope they will come forward and say it, and I hope they will back their belief with a wager as well. My own belief is that this will run much higher and could well run $5 billion or more.

The reality is that we are sending combat troops into an area where we do not have barracks, or quarters, or adequate roads to get them there, or adequate equipment, and they do not have water or essential utilities. The reality is that the cost of this project will be much higher.

Fifth, I think most Members would agree that the terrain where American troops will be stationed, around the Tuzla area, is ideal for guerrilla warfare. Americans ought to understand guerrilla warfare. Perhaps we were one of the earliest ones who started it in our combat with the British. We did not put on uniforms. We tended to stand behind trees and shoot at the British, and it worked pretty well. The reality is that we did not fight by the rules the British thought we should fight by in the Revolutionary War. Anybody who thinks the Bosnians, Serbs, or Croats are going to fight by our rules in Bosnia is dreaming.

Mr. President, let me summarize, because I hope all Americans will be aware of these five factors when they go into it. One, this conflict is over 500 years old. Second, we are interfering in a civil war—not an invasion, but a civil war between the parties that have occupied that country.

Three, the parties involved have a history, a continuous history, of not

honoring the peace agreements that they enter into. For us to assume that the winter period when they traditionally have truces is going to be a permanent peace is naive, perhaps beyond description.

Four, the cost of this to the American people will be at least $2 billion and perhaps more.

Five, the terrain is ideal for guerrilla warfare. Mr. President, specifically, what that means is the terrain is very rugged and very rough. It means that the area is heavily wooded, forest. In military terms, it means our advantages which are in air power and armored personnel carriers and tanks, will be minimized. The roads are extremely narrow and there are over 3 million mines stated to be in the American sector. Who in the world came up with the idea of deploying U.S. troops in that kind of conflict?

Mr. President, this is goofy. We are standing here and debating this question as if it were a real question. This is not a real question. This is a goofy proposal—send American troops to stand in between warring factions that have been at war for 500 years and never honor a peace agreement, under circumstances where we do not have the advantages that our technology provides, and stand in between them as they shoot at each other? That is not a realistic proposal. That is just plain goofy.

Mr. President, I think every American and perhaps every Member of this body has to answer a question before they vote on this issue. The question is basically this: Under what circumstances do you send American soldiers into combat? We have never had a unanimous feeling on that in this country.

Perhaps defending our own shores, though, has garnered the strongest support of any measure. Americans have been willing to shed their blood to defend the shores of our country. We have been willing to shed our blood to defend freedom around the world, whether it was in World War I or World War II or perhaps even Korea.

We have never shrunk from defending freedom around the world. First, through alliances, for we had an obligation; second, for a country where we did not have a formal alliance but we saw freedom was at stake that could ultimately affect the ability of Americans to obtain their freedom; we have had times where we have been willing to shed blood to deter aggression. We defended our shores in the Revolutionary War. We defended our freedom through alliances in World War II. We defended our freedom overseas in Korea. We defended countries from aggression in the gulf war.

Mr. President, where have we come up with the idea that we would interfere in a civil war? That is without precedence. Deploying American Forces overseas to interfere in the middle of a civil war, this takes it to a new height.

Mr. President, the mistakes we made in the past, and Americans have made mistakes in the past, have led to some guidelines. The Weinberger guidelines came out after Lebanon and after Vietnam. There were a number of factors but the most significant one was this: Before we deploy American troops overseas, before we put their lives in harm's way, before we risk their very lives, we ought to have a clear, achievable, military mission that is accomplishable.

I hope Members will ask themselves if they really think this is a clear, achievable, military mission that can be accomplished? Listen to what they are saying. The first task is to mark the border, the area of confrontation, and secure people moving back 2 kilometers on either side. But that border is not meant to close off traffic across it. How do you ensure people will not get within the 2 kilometers of the border when you have an established policy that allows people to move through the border all of the time?

Mr. President, that is double-talk. If you are going to have a border, and if you are going to have people kept away from it on 2 kilometers on either side, and if you are going to have a policy at the same time that says people can go back and forth at will, how in the world do you make that policy stick? You cannot. It is unrealistic and undefined right from the start.

Who do you stop? Who do you stop? Do you search everybody? It is not clear.

To call in a clear military mission is to play games with words as well as play games with the lives of our troops.

Ultimately, Mr. President, I believe it comes down to this: Are you willing to send American troops overseas and risk their lives for an ill-defined mission that interferes in the middle of a civil war? Are you willing to face their parents, tell them why their son or daughter gave their life?

Are memories so short that Members have forgotten what happened in Vietnam? Does no one remember that we sent hundreds of thousands of American volunteers to Vietnam, as well as draftees, and asked them to put their lives on the line, and our political leaders were not willing to take the risk of making a commitment? I do not know of any American that is proud of that fact but it is the truth. Over 50,000 Americans lost their lives in Vietnam, and for what?

Mr. President, I volunteered to serve in Vietnam and I did because I believed in it. I believed we were there to defend freedom worldwide, and whether it was the face of a Vietnamese or the face of a European-American, blood could be proudly spilled to save their freedom.

Mr. President, our political leaders did not believe that. Our political leaders asked people to give their blood but were not willing to take a chance and make a clear stand. They were not willing to establish a clear military mission.

Mr. President, this is not a PR game. The risks are not good press or bad press. The risks are American lives. The risk is parents losing their child. The risk is a spilling of blood and not standing for a cause.

We made a mistake in Vietnam because our leaders risked American lives for a cause they were not willing to commit themselves to win. Now, not many of us realized that was the case. If you told the people that served in Vietnam their political leaders were not willing to stand up to win the cause they were asked to give their life for, they would not have believed you. Who would have believed you? How could you ask people to give their lives when their political leaders did not believe in the cause? That is what this country did.

Mr. President, it is my belief that the American people when it was over vowed that would never happen again. If the cause was important enough to ask people to sacrifice their lives, it is important enough for us to try to win. Our mistakes did not end there.

President Reagan deployed troops into Lebanon. We were so concerned about PR that the guards at the gate were not even given the bullets for their guns. Let me repeat that because I think most Americans will find it hard to believe. We had a barracks full of Marines, and the guards at the gate were not given bullets for their guns because we were afraid of an incident. Instead of suffering bad publicity for an incident we were willing to sacrifice the safety of troops.

That is what happened. A terrorist truck drove through the gate because the guards did not have bullets to stop him and killed over 250 Americans, or close to 250 Americans. For what? For what? Tell me what they gave their lives for.

We made a political commitment that sounded good but we would not stand behind it. It seems to me before we make a political commitment, before we send U.S. troops, we better have a good reason for doing it, and it ought to be important enough for us to stand behind the people who put the uniform of this country on.

Does anybody believe that we will not stand behind the troops that we send to Bosnia? Come on, now. Yes, this will generate press. Yes, there will be a lot of attention. Does anybody really believe we will not stand behind those young men and women who go over? Does anybody believe the cause of interfering in a civil war is important enough to lose their lives?

Somalia should come to mind to some. President Bush deployed the troops. President Clinton expanded the

mission. And when the commander of the troops asked for equipment to do their jobs, to protect the troops, the Secretary of Defense—because the decision went all the way up to the Secretary of Defense—turned them down. He refused to allow them to have armored personnel carriers which had been specifically requested. Why? We asked the Armed Services Committee to ask the Secretary that question. Before he gave the answer, he left office.

But the truth is, the military establishment of this country made a decision to not supply the equipment that was needed to save those boys' lives because they were afraid it would send the wrong public relations signal. That was the word that came out: We did not want to send the wrong signal. Public relations was apparently more important than the lives of the American servicemen that were on the line.

In case anyone has forgotten, that helicopter went down and they defended themselves from attack and they called for reinforcements. And reinforcements tried to come from the airport compound but they did not have armored personnel carriers. And when people shot at them from both sides they pinned down the reinforcements, they could not get through to help them. American forces held out as long as they could and, when their ammunition ran out, when their ammunition ran out the Somalis came and hacked them to pieces. And the armored personnel carriers that they requested and had been turned down by the Secretary of Defense for PR reasons, could have saved their lives.

We are not playing games. This is not a PR move. These are real troops and real bullets in a real civil war. We are risking American lives. For what? Because you are going to end a 500-year-old conflict? Do not be silly.

Because these people, with American troops' presence, will suddenly honor their peace commitments that they have never honored in 500 years? Somebody would like to sell you some land in Florida, if you really believe that.

The truth is, I do not believe we have placed a high enough value on the lives of the Americans who serve our country in uniform. The question is not whether or not they should ever risk their lives. No one should go in the military not knowing they do that. Americans are willing to risk their lives and we are willing to shed our blood for freedom around the world, and we have done it more effectively and more efficiently than any people in modern history. But the line is drawn when you ask Americans to give their lives for nothing. I believe that is morally wrong. I believe it is morally wrong, to have Americans give their lives in Somalia when you do not have a clear military mission and you will not stand behind them.

It is not wrong to ask them to give their lives and shed their blood. It is wrong to ask them to do it for nothing, and that is what we did in Somalia. It is wrong to ask them to do it for nothing in Lebanon, which is precisely what happened. It is wrong to ask them to do it for nothing in Vietnam, when our very leaders would not stand behind the men and women who risked their lives.

I believe it is wrong, it is morally wrong for us to send young people to Bosnia to risk their lives in the middle of a civil war among people who have not honored a peace agreement.

Some would say, if we do it, at least they have had their chance. Tell me how you would feel, looking into the eyes of a parent who had lost his or her only child. "Yes, your son or daughter died, but at least we gave them a chance." Would it not be fair and reasonable to ask, "Was it a good idea? Did it have reasonable prospects to succeed? Did you do everything you could to protect them?"

Mr. President, what we are faced with is a decision that degrades the value of American servicemen and servicewomen. It says that their blood can be shed on a whim; that they are pawns in a chess game; that their lives are not important enough for us to take seriously.

I believe every person who puts on a uniform has an obligation to this country, and the obligation goes to laying down their very lives. But I think it is wrong for us to think that obligation runs in only one direction.

This country has an obligation to those who serve it as well, and that obligation is to make sure we never put them in harm's way unless it is on a clear, achievable, military mission, one that we are committed to win. Then I think we have the right to ask everything in the world from them, everything they can give, because the existence of freedom in this world depends on them. What we see is an effort to cheapen the value of the lives of young Americans who are willing to serve this country. I, for one, will not vote to authorize it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

VISIT TO THE SENATE BY ISRAELI PRIME MINISTER SHIMON PERES

Mr. HELMS. Mr. President, I have the honor, along with Senator PELL from the Foreign Relations Committee, of presenting the new Prime Minister from Israel, Shimon Peres.

I ask unanimous consent the Senate stand in recess for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Thereupon, at 5:45 p.m., the Senate recessed until 5:52 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRAMS).

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

THE VISIT OF PRIME MINISTER SHIMON PERES

Mr. NICKLES. Mr. President, I would like to join with my colleagues in complimenting our distinguished guest, Prime Minister Peres, for an outstanding speech to a joint session of Congress. I have heard several of them in my years in the Senate. But the Prime Minister's speech, which called for peace and continuing movement in the peace arena, I think is certainly to be complimented. And we are delighted to have him as our guest both in speaking to a joint session of Congress, but also as our guest this evening in the Senate.

It is an honor to have him in the Senate.

THE BOSNIA ISSUE

Mr. NICKLES. Mr. President, I wish to speak in opposition to the President's decision to deploy ground troops and ground forces in Bosnia.

I first would like to compliment Senator HUTCHISON, Senator INHOFE, Senator BROWN, and Senator THOMAS as well for outstanding speeches. Some of the best speeches that have been made in the Senate have been made this evening. Senator BROWN just concluded with a very moving speech detailing his opposition to the President's move. I agree wholeheartedly with their comments.

I also will make a comment. I have been to Yugoslavia with Senator DOLE. Some people are saying these resolutions are in opposition to each other. I would take issue with that fact. One of the resolutions we are going to be voting on that I had something to do with, or was involved with, said that we state our opposition to the President's decision to deploy ground troops in Bosnia—very clear, very plain, very simple. We think the President is making a mistake, and we want to be on record of it.

Mr. President, I will go further. I wish that we would have had a similar resolution when the President made the decision to deploy our Armed Forces into Haiti. I think he made a mistake. I have heard others in the administration say that was a success, and maybe that is the way they would define success. But I thought it was a mistake to have the invasion and occupation of Haiti.

I wish that we would have had a chance to debate that and that we would have had a sensible debate on it. We did not have that.

So I am pleased that we are going to have debate on these two resolutions today and tomorrow. Some of my colleagues said, "Well, we wish we could

have had more extensive debate." I would agree with that. But the President is going to Paris tomorrow evening to sign an accord on Thursday, and not only will the Senate be taking this up but the House will be. So it is important for us to take it up today and dispose of these two resolutions—maybe three resolutions—by tomorrow.

Also, Mr. President, I want to make just a couple of comments on how we got here and why I have decided to oppose the President's decision to deploy these troops.

In the first place, I mentioned my opposition to the President's decision on sending troops into Haiti. Senator BROWN commented on the President's mistaken mission in Somalia where the mission moved from a humanitarian mission into that of peace enforcing, or peacekeeping, and a greatly expanded humanitarian role that resulted in the loss of 18 American lives.

But I want to go back a little bit further. I read in President Clinton's book in 1992, "Putting People First"—then candidate Bill Clinton. He stated his administration would "support the recent more active role of the United Nations in troubled spots around the world, and pursue the establishment of a voluntary U.N. rapid deployment force to deter aggression, provide humanitarian relief, and combat terrorism and drug trafficking."

That is on page 135.

In 1993, the President's proposed PDD–13, an expansion of the U.S. role in U.N. operations, and multinational U.S. forces under a foreign multinational U.N. military command. He proposed creating in the office of the Secretary of Defense an Office of Peacekeeping and Democracy at the Pentagon, talking about having this post be used to coordinate international peacekeeping forces.

I think that is a mistake. I have debated that and raised that on the floor of the Senate in the past.

Let me talk a little bit about my opposition to the President's use and deployment of ground forces in this area. I heard the President's speech to the Nation, and he talked about this is going to be a "clearly defined military mission." I do not see any way that anyone can call this a clearly defined military mission. Maybe I am thinking in more simple terms. But clearly defined military mission would be similar to the Persian Gulf where you had Iraq invade Kuwait, and we said that invasion will not stand, and we are going to kick them out of Kuwait. An army invaded. We are not going to allow that to stand. We are going to knock the army out. That is what we did. President Bush said that is what our objective was. It had a clearly definable military objective. We built the forces necessary to make that happen, and we executed it. Then our forces came home.

That is not the case in Bosnia. This is a map of Bosnia. This is the country of Bosnia. It is under control partly by the Serbs. It is under control partly by the Moslems. It is under control partly by the Croatians. Each of these areas have different ethnic groups that have been fighting for centuries.

So now we are going to have military forces serve as a buffer all around, all throughout Bosnia. That is going to be a very difficult goal.

How is that a clearly definable military objective? We are going to insert our troops between fighting factions. But we are going to allow people to move back and forth. And then there are all kinds of missions and roles. We are going to allow refugees to return to their homes. In some areas right now they are not complying with the accord that has already been signed. We are going to enforce the Dayton agreement. This was a U.S.-led agreement, the Dayton accord. And all three Presidents signed it. The leaders of the Serbians, the leaders of Bosnia, and the leaders of Croatia signed that agreement. They are not complying with it now. But we are going to put U.S. forces in—almost an Americanization of this conflict. And we are going to have U.S. forces in charge of carrying out the Dayton accord.

Since that accord has been signed, I hope my colleagues are aware of some of the violations that have taken place. Bosnian Croat soldiers have defied the peace plan by looting and setting ablaze a couple of towns. Those towns are to be shifted from Croatian control to Bosnian Serb control. They are burning the town. That is not in the Dayton accord, but they are doing it. I guess our troops are going to stop that.

Last week the Croats released from jail Ivica Rajic, who was indicted by the International War Crimes Tribunal in The Hague. Such action is in direct violation of the Dayton accord where all sides pledged to cooperate with the tribunal. They released him.

Mr. President, President Clinton has said, well, we are going to put our troops in. Originally, some time ago, he said we would put U.S. troops in. Then, earlier this year, he said we would put in troops for a reconfiguring and strengthening of U.N. forces in Bosnia. The United Nations has had 30,000 troops there in the Bosnia area. They were not bringing about peace. All sides continued to fight, to move the map around. He said we would commit U.S. forces. He did not ask Congress. He said we will commit U.S. forces to redeploy and reconfigure. Well, that was a mistake.

Mr. President, if you look at this goal, are U.S. forces and the rest of NATO forces now going to be in charge of policing? Are we going to go in and arrest people who are guilty of war crimes?

It seems to me that is what we were trying to do in Somalia. We tried to get General Aideed because he was guilty of some crimes, and the net result was, yes, we had troops going in harm's way and we lost a lot of lives, as Senator BROWN alluded to. We did not provide the military support.

Now the President said, I understand, we are going to send in military support. Is that one of our goals? Are we going to be policemen? Are we going to go and arrest people for crimes against the other sides? Are we going to enforce refugee resettlements? Are we going to tell Serbs in Croat homes they are going to have to get out of those homes, and vice versa, and use force of bayonets?

Are we going to use our forces strictly as a buffer zone in dangerous areas, targets on both sides, allowing people to move back and forth that may have a violent intent either against the other side that they have been fighting for years or maybe against the United States? Are we going to use U.S. forces to clear mines?

And I know I have some Oklahomans now that are trained in that area, so they are going to go in. We are going to use them to clear certain areas for mines. And what if somebody runs away that is guilty of firing on our troops and happens to evade them over a mine field and so we risk more lives? And what about this idea—the President said, well, this is a NATO mission, and I have heard people say this is a vital role for NATO because if we do not do it, this is going to show that NATO has no valuable purpose.

NATO was created as a defensive alliance to deter invasion or aggression from Russia. And now we are taking NATO troops from the NATO allies and saying we are going to put NATO in a peacekeeping force in a non-NATO country. Bosnia was not invaded by Russia. It was not invaded by other non-Yugoslavian countries. The Serbs certainly did take their fair share of the territory and the Croatians are in there as well, but this is Yugoslavia's civil war. But we are now putting an expansion of the NATO role into moving from a defensive alliance, which we have been the leader and the supporter of, that has proven to be so successful for the last 40 or 50 years, now we are putting it into a peacekeeping role, into a non-NATO country, into an area where the U.N. peacekeepers were not successful and so now we are going to greatly expand NATO's role.

I think we need to discuss that and debate it. Is this what NATO's mission is going to be in the future? It looks like NATO creep, mission creep, to me. And one that I have serious reservations about, very serious reservations about.

Some have said, well, this is important; we need to make sure that this war does not expand. There is lots of potential for this war to expand as a result of this effort. Now a lot of the

Serbian areas are going to have Russian troops in them, and a lot of Moslem areas are going to have Western troops including the United States. What happens if some Serbs happen to fire on some Moslems and we try to interject, and so we return fire against the Serbs, and maybe the Russians are in that quarter—and so there is the possibility of some conflict between United States and Russia.

I hope that does not happen. I pray it does not happen. But I see a lot of potential where there can be some spillover from this so-called peacekeeping force.

Mr. President, we call this peacekeeping, but really what this is is peace enforcing, so it has moved a giant step against peacekeeping. If it is really peacekeeping, they would not have to be there. If there was peace, they would not have to be there. As Senator BROWN mentioned, they have been fighting for hundreds and hundreds of years. How in the world are we going to go in and solve this problem in 12 months and then go out?

And what about the 12-month timetable? Is that to say our military objective is going to be totally complete in 12 months or is that a political timetable: Oh, we better get them out before the next election. It sounds a lot more political to me than it does a militarily definable, achievable objective. Oh, in 12 months we are going to be gone regardless of what happens.

Well, that does not seem to make sense. Is there a militarily definable objective? I do not think so. I think we are in the process of getting bogged down in a lot of nation building.

You say, oh, well, how could that be? If you read the Dayton accord, it talks about a lot of things. It talks about policing the agreement. It talks about buffer zones. It talks about refugees and resettlements. It also talks about establishing a constitution and a democracy and a revolving presidency, a revolving presidency between the Croatians, the Moslems, and the Serbs.

That may sound nice and look kind of good on paper in Dayton, OH, but I question whether that is going to work. If you go back a little bit in history in the former Yugoslavia, where you had several republics, they were supposed to have revolving presidencies. Guess what. The Serbs ended up getting control and they revolved or rotated the presidency. They still have it. Mr. Milosevic was still running Greater Serbia, and he wanted to expand Greater Serbia. That is the reason they moved into Bosnia. So this idea of a revolving presidency certainly is nation building, i.e., and that sounds a lot like Somalia. That does not sound like a militarily achievable objective, at least in my opinion.

And so we look at the resolutions that are before us. The resolution that I am speaking on behalf of as well as Senator HUTCHISON and Senator INHOFE Senator BROWN, Senator KYL, and others says we oppose the President's decision to send ground forces into Bosnia to carry out the Dayton accord. I look at the arguments for it, and I think if you look at this map, it looks like a congressional district in Louisiana. And you see a lot of areas. Well, while there are Serbs in this area, they have to move back and the Bosnians will have to take control and Sarajevo Serbs have control in some areas and they say they are not going to give it up.

Does that mean U.S. forces or other forces are going to come in and enforce that agreement? And what if they do not give it up without a fight? And on and on and on. And this is throughout. What if they say, well, before we leave, we are going to raze it or we are going to burn it. And that is what they are doing right now. Or what if there are war criminals and they say, instead of apprehending them, we are going to let them go, as they just did in one case where the Croatians released a person indicted by the international tribunal.

In other words, there are already big, large, gross violations of the Dayton accord, and now we are going to be putting U.S. forces in. Now, U.S. forces, or at least a lot of U.S. forces that I know from Oklahoma, they will not know the difference between the Serbs and the Moslems and Croatians, who are the good guys and bad guys. I tell you, there are lots of bad guys around on all three sides, but yet we are going to be putting U.S. forces under an American general to be making decisions. So we are almost Americanizing this war. But we say we are going to be out in 12 months. I do not see it adding up. I do not see it working. I do see us risking a lot of U.S. lives and a lot of prestige for something I think is clearly not definable.

Now, look at Secretary Christopher's words. He testified in April 1993 before the Appropriations Committee. He said four criteria have to be met before American troops will be deployed.

Now, this proves a couple things. One, they were talking about deploying American troops 2½ years ago. Well, now they have been successful. But they said the goals must be clear and understandable to the American people. Well, that has not happened. That is a big no. You ask the American people, what are our goals? Well, we are going to get out in 12 months. We want to speak for peace, but if we look at all these guidelines where we are going to be the buffer, no, I do not think so. If you say we want American forces to be clearing mines, something like 5 or 6 million mines, landmines, hopefully we will not lose any American troops to landmines, but I am sure that we will.

And Americans are going to start questioning those goals. "Wait a minute. Why are we there? The chances of success must be high." I do not think they are high. I hope they are. I hope there is peace.

But I think just because we have deployed ground forces, what happens when we leave? We may be somewhat successful with 60,000 troops. Putting them into an area smaller than the State of West Virginia, that is a lot of troops for an area that size. Bosnia is a small area, about 60 percent of the size of South Carolina, a little smaller than West Virginia. It has about 4.5 to 5 million people, so it has a lot of people. But we are going to put 60,000 troops in there.

We may successful in restoring some degree of peace for a while. What happens when we leave? We said we are going to be gone in 12 months. I am afraid the war is going to start again. If so, then I say, hey, that has not been successful. If we leave, like we did after Lebanon or like we did after Somalia, I would say that is not a success. We may have alleviated some of the fighting or some of the starvation for a short period of time, but if they start fighting, as they, I am afraid, will in this case, I do not think that we have been successful.

Third, this is Secretary Christopher's criterion: The American people must support the effort. The American people do not support this effort. I do not believe you should manage foreign policy by polls, but I do think, before you commit U.S. ground forces and make a commitment where we are going to be committing U.S. forces and lives, you should have some support of the American people.

The American people are opposing this action by a two-to-one margin. That has not changed since the President has tried the make his case, and the administration people have tried to make his case.

And then, an exit strategy for getting the troops out must be established from the beginning. We do not have an exit strategy. We have a timetable that says we are out in 12 months, not that we accomplished our objective, because our objective is not that clear, is not that definable. It just says we are going to be out. That is a timetable for exit, but it does not say anything has to be accomplished. Again, I think it is a mistake. Under Secretary Christopher's own criteria I think it fails on all four categories.

Mr. President, I do not think we should send U.S. ground forces. I think President Clinton has made a mistake. I think if you look back at the statements that this administration has made, even as a candidate, as the policies go back for the last 3 years, they have been talking about putting U.S. ground forces in international peacekeeping efforts. I am afraid we are making a mistake, like at the date in the accord, the date in the agreement.

I see lots and lots of areas that are nation building. So we are going to be

committing United States ground forces into rebuilding a democracy or a government in Bosnia, a government that is very fractured, a government that is very divided, with ethnic divisions, one where there is a lot of hatred, a lot of animosity, and putting United States forces right in the middle. That is not a clearly definable military objective.

Again, I think it is a serious mistake. So I hope that our colleagues will support this resolution.

Mr. President, I ask unanimous consent that an article by Judge Abraham Sofaer that was in the Wall Street Journal, which points out many of the shortcomings of the Dayton accord, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CLINTON NEEDS CONGRESS ON BOSNIA

(By Abraham D. Sofaer)

President Clinton has appealed to Congress and the American people to support his policy committing 20,000 ground troops to implement the peace agreement reached between Serbia, Croatia and Bosnia. It is a tribute to the American people that the president is accorded the greatest deference when he calls for the greatest sacrifice. Americans respond, at least initially, to such appeals from their president.

But Mr. Clinton is exploiting this quality. He has presented the agreement and the American role in its enforcement as an accomplished fact, though the documents have yet to be signed by the parties, and numerous preconditions to U.S. involvement have yet to be fulfilled. He is consulting with Congress, but he is already sending troops to the area without any form of legislative approval. Indeed, he claims that, while he would welcome Congress's approval, he plans to go ahead regardless.

Presidents often try to get what they want by leading aggressively. Congress nevertheless has a duty to study carefully the proposed operation and then express its view. The essential first step in that debate is to read the documents signed recently in Dayton. The complex agreement, with 12 annexes, calls for Bosnia to remain a single but divided nation, and all the warring factions to withdraw to specific lines. The agreement covers virtually all aspects of future life in Bosnia, including the division of its governments, the contents of its constitution, the selection of its judges, and the manner in which its police force is to be chosen and trained. Of principal interest to Congress, though, are those aspects of the agreement that create obligations and expectations for the U.S. to fulfill.

OUR OBLIGATIONS

These obligations, when carefully examined in context, carry to the ultimate extreme the policy of forcing a settlement on the Bosnians, rather than attempting to create an internal situation that is militarily balanced. Most significantly, the agreement makes the U.S., through the "implementation force" (IFOR), the military guarantor of the overall arrangement.

The role of U.S. troops cannot be characterized as "peacekeeping." Even "implementation" understates our obligation. IFOR will be close to an occupying army, in a conflict that has merely been suspended. We are likely to have as many difficulties acting as occupiers without having won a victory as the U.N.'s war crimes tribunal is having in attempting to apply its decisions in Bosnia without the power to enforce them.

IFOR's principal responsibilities are set out in Annex 1(a) of the agreement:

The parties agree to cease hostilities and to withdraw all forces to agreed lines in three phases. Detailed rules have been agreed upon, including special provisions regarding Sarajevo and Gorazde. But IFOR is responsible for marking the ceasefire lines and the "inter-entity boundary line and its zone of separation," which in effect will divide the Bosnian Muslims and Croats from the Bosnian Serbs. The parties agree that IFOR may use all necessary force to ensure their compliance with these disengagement rules.

The parties agree to "strictly avoid committing any reprisals, counterattacks, or any unilateral actions in response to violations of this annex by another party." The only response allowed to alleged violations is through the procedures provided in Article VIII of the Annex, which establishes a "joint military commission"—made up of all the parties—to consider military complaints, questions and problems. But the commission is only "a consultative body for the IFOR commander," an American general who is explicitly deemed "the final authority in theater regarding interpretation of this agreement. . . ." This enormous power—to prevent even acts of self defense—will carry proportionate responsibility for harm that any party may attribute to IFOR's lack of responsiveness or fairness.

IFOR is also given the responsibility to support various nonmilitary tasks, including creating conditions for free and fair elections; assisting humanitarian organizations; observing and preventing "interference with the movement of civilian populations, refugees, and displaced persons"; clearing the roads of mines; controlling all airspace (even for civilian air travel); and ensuring access to all areas unimpeded by checkpoints, roadblocks or other obstacles. Taken together, these duties essentially give IFOR control of the physical infrastructure of both parts of the Bosnian state. It seems doubtful that the 60,000-man force could meet these expectations.

Article IX of the agreement recognizes the "obligation of all parties to cooperate in the investigation and prosecution of war crimes and other violations of international humanitarian law." This is an especially sensitive matter. Yet there is no mechanism in the accord for bringing to justice men who haven't been defeated in battle and who aren't in custody. This means that IFOR is almost certain to come under pressure by victims and human rights advocates to capture and deliver up the principal villains. Will it do better than we did in fulfilling our promise to capture Mohammed Farah Aidid in Somalia?

The agreement makes vague promises about reversing "ethnic cleansing" by guaranteeing refugees the right to return to their homes. Since this is in practice impossible, the West will end up paying billions in compensation awards promised in the agreement.

The agreement contains numerous provisions regarding the manner in which Bosnia is to be governed, with checks and balances built in that are based on ethnic or geographic terms. But Americans traditionally have not believed in such divisions of political authority. We fought the Civil War to put into place an undivided nation based on the principle that all people are of equal worth, and all must live in accordance with the law. It took a Tito to keep the ethnically divided Yugoslavia together. Will IFOR now assume his role of enforcing a constitution based on principles abhorrent to Western values? Even if the basic structure of the government works, what role will IFOR have to play in resolving disputes over the numerous sensitive areas that the parties have seen fit to write into the accords? If the parties don't resolve some matters successfully, they are likely to blame IFOR for these failures.

Finally, the agreement draws a vague distinction between "military" and "civilian" matters. Ultimate authority over the latter is allocated to a U.N. high representative, who is to act through a "joint civilian commission" consisting of senior political representatives of the parties and the IFOR commander or his representative. The high representative is to exchange information and maintain liaison on a regular basis with IFOR, and shall attend or be represented at meetings of the joint military commission and offer advice "particularly on matters of a political-military nature." But it is also made clear that the high representative "shall have no authority over the IFOR and shall not in any way interfere in the conduct of military operations or the IFOR chain of command."

This may seem a reassuring confirmation of IFOR's power to avoid U.N. restrictions on the use of force. Ultimately, however, IFOR's role could be made untenable if it finds itself in a confrontation with the U.N.'s designated representative and the proper handling of a "political" matter. What would happen, for example, if the U.N. high representative determined that U.S. forces had gone too far in defending themselves under President Clinton's policy of effectively responding to attacks "and then some"?

EITHER/OR

Congress cannot redo the agreement reached by the parties. But there is no need for lawmakers to accept President Clinton's either/or approach—either support his plan to implement the agreement, or pull out entirely. If the agreement represents a genuine desire for peace among the warring parties, then presumably the accord is not so fragile as to depend on the oral commitment of U.S. troops made by the administration (and which isn't even part of the agreement). Congress can and should consider other options. The U.S., for example, could assist European forces in demarcating the boundary lines, and could enforce peace in the area through the threat of air strikes on important targets. Or the U.S. could offer greater monetary and diplomatic support for the agreement but not any ground troops.

Whatever happens with the troop commitment, Congress should insist that the agreement's provisions allowing the training and arming of the Bosnian Muslims be rigorously adhered to. A balance of power among the hostile parties is ultimately the only basis for long-term stability in the region. And if American troops are sent to Bosnia, they will be unable to leave responsibly until such a balance has been developed. That would certainly take longer than the yearlong limit imposed by the administration.

Mr. NICKLES. Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I listened very carefully to the last several speakers here on the floor, and I find

myself almost at a loss as to where to start. If we go through a factual reality check here, on how this situation developed, I do not find it much like what I hear being discussed here on the floor.

One of the speakers this evening talked about our entry into combat and equated it with Vietnam, equated it with Lebanon, where President Reagan—whose name has not been mentioned here although Clinton's has this evening, that is for sure—put 1,600 troops into Lebanon and said, "We're going to stabilize Lebanon by making an example there, and that will bring them around." That is what got us into the trouble, not thinking the thing through, and thinking that a little bitty show of force would bring an end to what had been very lengthy combat in Lebanon.

So I think we need a reality check here. To equate this whole effort as just some sort of a PR stunt does a disservice to the floor of the U.S. Senate and to our Government. It was even questioned as to whether we would stand behind our troops in Bosnia once they are in there. What a ridiculous statement. I find that abhorrent.

Now, statements were made that we were injecting our people into a civil war, we are putting our people into combat. Now, let us get back to reality here.

I agree completely that there have been long and historical difficulties in the Balkans. We do not need to run through all those this evening except to say some of these problems literally go back to the time of the Caesars. They are that old. The ethnic, political, and religious differences in that area led one of the Caesars to split the area that later became Yugoslavia into the East Roman Empire and West Roman Empire. That is how the orthodox influence came up into that part of the world.

It has been a caldron of problems that contributed to the beginnings of two world wars. We have always had an interest in that area. We have a lot of people in our own country, a lot of people in my home State of Ohio representing the different ethnic groups in that part of the world.

President Clinton said we would send 20,000 people in if—these were big "if's"—if we could get arrangements for fighting to be stopped, so we could move in. We are not going to fight our way in. We did not make a commitment to actually send them in until some other things happened.

What were those other things? And these are very, very important. What happened was that over the past 4 years the war has become so difficult for people in that area, that they wanted peace. They asked us to broker the peace. We did not suggest fighting our way in there. President Clinton has not said we are going to fight our way in there. Quite the opposite. They came to us and said they are tired of war.

My colleagues have asked how can we believe these people who have been fighting all these hundreds of years are not just going to keep on fighting. Well, the big difference now is that they are tired of war. Should we believe them or not?

Bosnia-Herzegovina is an area about one-half the size of the State of Ohio—we are not a huge State; we have about 41,000 square miles of territory in Ohio—Bosnia-Herzegovina is almost 20,000, 19,776 square miles, about half the size of Ohio. In other words, think of Ohio, and Interstate 70 goes across the middle.

If, in that area down between that Interstate 70 and the Ohio River, we had had 250,000 deaths in the last 4 years and we had two million refugees in the last 4 years, would we be ready for peace? That is what occurred over in Bosnia. Even the most ardent warriors over there have become tired of war, of the slaughter and the dislocation of people.

While every individual may not be signed on, 100 percent going to lay down their arms, this is what happened. They came to us. Diplomatic channels said all parties seemed to be ready to have us broker a peace if it was possible.

I must commend Ambassador Holbrooke. I think he did a masterful job over there, stayed at it, stayed at it, stayed at it, back and forth, one capital to another, one group to another until they had an agreement to go to another place and try to negotiate peace. They came to Dayton. Wright Patterson was selected because the facilities were there providing security, some place to live, some appropriate barracks, and so forth. So they came to Dayton.

Let me give my view. I was very dubious of this whole process at that point. I thought they would come to Dayton and it would be a short-lived conference. And what happened? Well, they not only asked to negotiate, but they, the parties involved, came to Dayton. They, the national leaders, the heads of state, did something I would not have thought possible: They stayed at Dayton for 21 days, the heads of state stayed there for 21 days negotiating. They finally hammered this thing out, and they initialed an agreement there, all of them. And they will sign it the day after tomorrow in Paris.

So it is not our peace, it is their peace, with us making suggestions. But they are the ones who initialed it. They are the ones who asked to negotiate to begin with.

What is our part in it? Our part is to help implement what they have agreed to.

Much was made on the floor a few moments ago about what if they back out and the fighting starts again? They back out and what happens? I will say this, if that happens and if they break the peace agreement that they signed, that they wanted, that we brokered, that they agreed to, it is their failure, not ours. We are not there, as the President has said, the Vice President has said, the Secretary of Defense has said, General Shalikashvili has said, General Joulwan in Europe briefed us, to enforce a peace by forcing anyone back across a border. If they have decided this peace is no longer for them and they are going to start fighting again, our commitment at that point is we tried, we gave you people your chance at this thing, and we are out of there. We are not there to conduct large-scale combat. If that were the case, we would be going in with far more than 20,000 people, in my view.

But let us say they do not back out and peace comes to the Balkans. We will have avoided the possibility of this conflict spreading over into Macedonia, down toward Turkey, with all that might entail. We have avoided the possibility of it breaking across borders up toward Europe, maybe into Eastern Europe. And we will maybe, possibly, have peace in that area because they asked for it, they wanted it.

I had doubts when they came to Dayton and I wanted to see two things happen. I said this publicly at the time and talked to the President about it, talked to the Vice President about it, and talked to the Secretary of Defense about it. Two things: First, this agreement could not be wishful thinking. This agreement could not be something where we say, Well, yes, we're going to go in over there, and, yeah, since they want peace we will be able to settle in down there and we'll draw some borders once we get there and then we'll provide some peace.

No, we could not do it that way. I felt that would be a recipe for disaster. I would have bet a sizable amount against the parties at Dayton really drawing up an agreement in sufficient detail that, as I said one night in a meeting at the White House, we have to decide which peach orchard is in what entity when you draw these lines. It had to be in that kind of detail.

A second element was that the firing had to have stopped. That was a commitment agreed to by everybody. The parties had to see that the irregulars also will have stopped firing. And then we go in to maintain the peace.

What came out of the negotiations, as far as detail? I brought along a chart. This is a chart they agreed to in Dayton. The detail was to be 1 to 50,000 scale. This is a brandnew map, just a few days ago. This is the separation zone. This area in here is an area that is an interim zone which the troops will move out of and back to these lines, and that is to occur within a stated time period.

What is the accuracy of this? An inch on this scale would be somewhere

around 4,000 feet, and the center line that is the demarcation line that we will monitor, shown in the center of this zone, accurate on this scale map to within 50 meters, close to 160 feet. Now, that is pretty good accuracy.

We have the whole of Bosnia and Herzegovina. All of that area has this kind of a map. I could not bring all the maps, because 1 to 50,000 would have an area about half the size of that wall at the end of the Senate Chamber. But our section will be up in this area, around Tuzla, up in this northeastern part of Bosnia and Herzegovina, depicted here.

This is Tuzla, which will be the American headquarters out of which we will operate. We will be operating to keep these zones clear in here. Why do we need to do that? If they said that they wanted peace, they are tired of war, 250,000 people killed, 2 million refugees in a small area, why can they not all just sit down and say, Stop fighting, and that takes care of that?

One very good reason. The previous cease-fires that they have had in that area have been broken, for the most part, by what are called the irregulars. We were briefed on that when we were over there a few weeks ago. At least 20 percent, and some estimates run as high as 50 percent, of the combatants in this area are what they call irregulars. They are the farmers who go up and shoot, are up there manning a rifle or machinegun a few days, go back to their farm and somebody relieves them. They are not the people who are used to the usual military commands up and down the military structure.

What has happened on most of the past cease-fires, and they have had over 30 of them in these 4 years of war and they have always broken down, is that somebody gets up there, triggers off a few rounds, the firing spreads and pretty soon the cease-fire has broken down.

So the situation we find ourselves in is we have an agreement. I would not have thought it was possible to reach the kind of agreement they did in Dayton. It is detailed. The borders are established. It has been initialed. It is laid out on the 1 to 50,000 chart right here. In the local areas, they will have charts to a bigger scale, of course. The firing must have stopped, and the cease fire held while these negotiations were underway, by and large.

When we go in, it will not be to fight our way in. It will be to go in and man these zones that keep the combatants apart. One reason that is a 4-kilometer wide area is so the small arms fire cannot be used across a zone. There are 2 kilometers on each side of that center mark down the middle of that zone.

We will keep the forces separate. They say—they say, not us—they say that they want peace. We have helped them negotiate an agreement, and surprisingly, it is in enough detail that you can pick out which orchard is going to be where and which road intersection is going to be where. It is in that kind of detail. When we get over there, we will not go into areas where there is any active fighting that may have popped up again. We are not going in to squelch someone, we are not there to fight a war on one side or the other. We are there to set up a separation zone and enforce it.

The question was asked on the floor here, what is our military task? Military tasks were agreed to at Dayton. The Secretary of Defense and the Chairman of the Joint Chiefs of Staff and the Secretary of State have repeated these things over and over again. All parties have agreed that they will cooperate with us in these things that they asked us to enforce.

Let me add one thing here. Why us? Why do they want our involvement? Why did they say they would not go along with just the other members of NATO unless we were involved? It is rather simple. They trust us and they do not trust the Europeans in NATO, and they have said that. This was stated to us in numerous briefings. They do not trust the others, but they do trust the U.S.

Our job will be, first, to go in and supervise the selective marking of cease-fire lines, inter-entity boundary lines, and zones of separation, which is what we are talking about here. First zones will be marked, then military forces will begin moving out of the zones back into these permanent areas here.

Once that has occurred, we will monitor and, if necessary, enforce withdrawal of forces to their respective territories within an agreed period. We will ensure that they have withdrawn behind the zone of separation within 30 days of transfer of authority. That is a clear military task.

Then we will ensure redeployment of forces from areas to be transferred from one entity to the other within 45 days of transfer of authority.

Further, we will ensure no introduction of forces into transferred areas for an additional 45 days, establish and man the 4-kilometer zone of separation, outlined here on the chart, 2 kilometers on either side of the cease-fire interentity boundary line. We will establish liaison with local military and civilian authorities, and we will create joint military commissions to resolve any disputes that there may be between the parties.

Now, the statement was made a while ago on the floor that it smacks of nation building for our military in there. That is not true. Nationbuilding tasks are specifically not included as I-For tasks in the Dayton accords.

Things that will not be I-For tasks are the humanitarian operations. Those will be handled by other international agencies. Nation building, economics, and infrastructure will be handled by others, not by our military. Disarming everyone is not an I-For task. Moving refugees is not a job for our military, nor is policing local towns, and so on.

So this idea that we do not have clearly defined military tasks is just not true.

Once again, I am still somewhat amazed that everybody agreed to all these things in Dayton and has said that they will abide by these commitments. If the parties decide that they want out of the agreement—we are already agreed, the NATO Ambassadors have said, General Joulwan told us during our briefings, and Secretary Christopher and Secretary Perry said, we are not there to fight on one side or the other. We would say that we successfully did our part. We would define our part as being a success if we went in there and manned these zones and kept them apart for a period of time, and they will have failed, not us. They will have failed the peace agreement that they asked us to negotiate, that they came to Dayton for, for which they stayed 3 weeks, 21 days, and they will sign in Paris the day after tomorrow.

Now, where does this leave us? Well, it leaves us, I think, with reasonable risk. Nothing is without some risk, that is true. Even when we have maneuvers in this country, military maneuvers, sometimes something happens. Someone slips off a tank and they are hurt. Nothing is absolutely safe. It is like an old saying in aviation, "The only way you have absolute, complete flight safety is to leave the airplanes in the hangar." I guess that is the situation we find ourselves in.

Will there be some risk? Yes. Will it be tolerable? I think so. If it becomes intolerable and forces build up, and there is a push, we are out of there. I will not see that as being a failure. I will see that as, we did our level best. This year period we are talking about is time enough. If they really want peace and they are serious about it, then all these other humanitarian groups and nationbuilding groups—not our military—will come in immediately after our presence is felt to try to help those people get their country going again. Within a year, the people of Bosnia are certainly going to see the benefits of peace, as opposed to continuing the slaughter, which has been their norm for the last several years.

Can 20,000 troops do it? Yes, I think they can. The 20,000 is not a force to come in for a big military operation. We are not going into a situation like the Persian Gulf, where we knew we were going into combat. It is the opposite. We are going in to help the parties and these irregulars to stay apart for a short period of time while we try, for the first time, to get lasting peace in that part of the world.

Now, what are some of these groups that will be coming in? Well, those are

being worked out right now, as to who will do what. But NATO itself will not be responsible—the NATO troops there will not be responsible for all the nationbuilding efforts.

I might add that, as far as risk goes, you know, I wondered one day how many people in the Peace Corps we had lost overseas, so we made an inquiry. It turns out that through all the years of the Peace Corps, which obviously includes many thousands of people and many places around the world, we have lost 224 people in the Peace Corps that have died overseas in accidents, of disease, or whatever. I think that is interesting. I would not have thought it was that high. So we take some small risk any time our people move out on any endeavor anywhere in the world. But the risks, to me, are minimal.

The benefits that can occur for the future are huge. NATO, for the first time, will have been moving out of their normal area. So, in that respect, it is an experiment. What has happened is, our military area that we are going to man as part of this force will be up here in this northeastern part. The British will be up in here. The French will be down around Sarajevo and down in this particular area down here.

So it is not, as was said on the floor a while ago, that we are mixing up our troops all over Bosnia. That is not true. We are responsible for manning a certain area, and that is it.

Now, I was afraid of one other thing. In the Balkan area we had the Soviet Union that through the years has had a special kinship with Serbia. It dates back a long time, a historical connection of heritage there.

I was afraid that if we went in there, and NATO went in there, and we found the Russians having an interest in coming down and supporting people over on the Serbian side, we could wind up with us in this area here with Russia supporting the Serbs in here. We would have had a possible confrontation there between Russia and our forces. That would have been a confrontation with the potential for very major disaster.

Now, what happened? Well, we got the Russians in. The Russians are going to be part of this. They will be manning some of this zone here adjacent to us, and they are cooperating in this effort. I think they, too, realize that if we do not get peace in that part of the world, it is liable to erupt again sometime in the future, and that would not be good for them, or us, or anyone else.

If we cannot begin to see the benefits of peace in a year, then maybe it is impossible. I do not know. Maybe those countries go back to fighting again. But I think we will have been proud at that time that we at least were willing to take the small risks to let peace try and take root in that area of the world.

I would think that some risk now may enhance the long-term leadership of the United States toward peace and freedom around the world and, in the long run, actually save lives.

We have not been hesitant about taking jobs on around the world, and people trust us when we do this, by and large. We have many examples. We stayed in Korea since the Korean war.

With the Marshall plan, the Truman doctrine, back in the post-World War II days, we did not try to take over Europe and make it a 51st, 52d, 53d, or 54th State over there. We helped them. We had the Truman plan, the Marshall plan, all these things to help nations recover from war.

In other words, we have had a history of standing for peace and freedom around the world and, really, to take some minor risks to see that we encourage peace and freedom around the world. It does not always go perfectly.

Did we lose some people we wish we had not lost in Somalia? Of course. I think we probably also in the long run saved a million lives in Somalia with the effort that we were willing to make.

Are we wrong in trying to broker a Mideast peace? We had Prime Minister Shimon Peres here not 20 minutes ago on the floor of the U.S. Senate. He was here and gave a brilliant speech today. We have helped Israel and the Palestinians to bridge some of their differences. We have tried to broker peace in that area.

We did not try to take Japan after World War II. We have tried to advance peace and democracy throughout South and Central America. We have a lot of budding democracies in that part of the world, Cuba being the major exception. We went into Haiti. It was criticized here on the floor a little while ago, but I think we are seeing Haiti come around, it is up and down, up and down, but generally up. It is a more peaceful situation than we might have thought was possible.

Northern Ireland. Nuclear Non-Proliferation Treaty we got permanently extended. We have tried to be a force for good around this world to our everlasting credit.

To those who say we should not even risk going into this area I would say—they wanted the peace, they asked us to broker it, they have initialed it, they are the ones who will sign it in Paris. It is their peace, not ours. We are just trying to help them implement it. So to bring up all these what ifs and dire consequences—I think it is good to think about those things and be prepared for some of these things. But to stay out of that area because some of the things mentioned here on the floor might possibly remotely happen, I just do not think that should be done.

We are, indeed, a nation that wants peace and freedom around the world. We have stood for that and stayed involved around the world. That does not mean at all that we try to take on all the problems of the world. We cannot be the world's policemen. I agree with that. But where we have an area of such historical conflict and importance to Europe, to not seize this opportunity—and I do view it as an opportunity—to not seize this opportunity to try to help them implement the peace that they say they want, I think would be wrong.

I think we are well justified in going in, and I would not have thought this was possible 7 or 8 months ago. I would not have thought we would have such a detailed agreement, that I could stand here with a chart like this on the floor of the United States Senate and say these details have been signed onto by all parties in the Balkans. This is one small part around Tuzla, and the total map on this scale in the Senate would be the whole size of the wall; 50 charts cover Bosnia and Herzegovina.

What we are doing is providing them a structure for implementing the peace they said they wanted and they agreed to. If they decide to opt out, then we are opting out, too. We will have done our job. I personally declare it a success that we tried. If they are dumb enough to break up the peace after all this effort, and all the nation building that will be going on in that area, then I must say I do not have much sympathy for them from that point on. We will not fight our way in. We only go in if all firing has stopped.

Are we do-gooders, trying to do too much around the world? I do not think so myself. We take some risks for potentially huge benefits. The rest of the world looks at us as a nation that has no territorial designs. They trust us. I think we just might be able to implement this agreement and see peace break out in that area for an indefinite time into the future. If so, we will have done a great, great service for the rest of the world and particularly for that particular area.

I know we will be debating this question tomorrow here, I do not think there is a final agreement yet on exactly how long tomorrow we will be debating these issues. But I think if this works out, then we will avoid the possibility of an encroachment down through Macedonia or toward Turkey. We will not see fighting spread across borders into eastern Europe.

We will maybe have been a real instrument for peace. That is the objective here—not another Vietnam, not another Lebanon, not all the things that were mentioned here on the floor a little while ago. Maybe, just maybe, we can be a force for peace in that part of the world. That is the objective.

I think we stand a very good chance of doing that. I support the President's move, and I hope that we can send an overwhelming message of support, because I do not want to have the people over there thinking that we are a divided nation back here. That would be

the worst situation that we could possibly have.

Mr. President, I am optimistic at this point. I think we have come a long way. We went through negotiations we did not think were possible. They have agreed to it. Heads of state stayed in Dayton 21 days, something we would have thought was absolutely impossible. They will sign this in Paris. It is their peace. All we do is help them implement it. It is their peace. If it breaks down, it is not our failure; it is their failure. I look forward to the continued debate tomorrow morning.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Alaska.

Mr. STEVENS. Mr. President, I am one of the cosponsors of the Hutchison-Inhofe resolution. It is a brief measure. It makes clear the views of this Senator and, I hope, the majority of this body in opposition to the actions and the decision by the President concerning Bosnia.

In clear and unambiguous language, our resolution presents absolute support for the men and women of the Armed Forces who are being deployed under the President's order related to Bosnia. They are and will do their duty, and they have earned and deserve our country's unqualified support to meet their needs.

We also have to support their families while they are away, and no matter what we do or say regarding Bosnia, it is the duty of this Congress to provide for the security and welfare of the families of these men and women in the defense forces.

Now, virtually every Member of this body, I think, has spoken at least once on this tragic situation in Bosnia. What the Senate is doing now is to focus on the challenges and the threats involved in this Dayton plan for the United States and to determine whether we should, for the first time, mire ground forces in this centuries-long conflict in the Balkans.

I have listened with interest to my friend from Ohio. There is no one for whom I have greater respect and fondness. I find that we have come away from the Balkans—we traveled the Balkans together—we have come away with diametrically opposed views.

I was interested in particular when he mentioned that Bosnia and Herzegovina is 20,000 square miles. Mr. President, my State is 586,000 square miles and we are one-fifth the size of the United States. In other words, I think we should focus on the size of the area involved in this conflict.

More than 2 years ago, I spoke to the Senate on the nature of the conflict in Bosnia, and I paid particular attention at that time to the remarks of General MacKenzie, who was a Canadian and the commander of the U.N. forces that were then struggling to end the fighting.

In an interview about that time, when he was asked what he thought about the calls from some in the Congress to take military intervention, or at least send a strong military backup to the Bosnia area, this is what he said, quoting Gen. Louis MacKenzie:

> Well, what I have to say is that if you're going to jump from chapter to chapter 7 of the U.N. charter and move from peacekeeping to force, then you better get the peacekeeping force out first.
>
> Mind you, Mr. President, you better get the peacekeeping force out of there.
>
> Otherwise, you got 1,500 to 1,600 hostages sitting there 200 kilometers from the nearest secure border. You can't combine these two.
>
> And if you're going to get involved in the Balkans, then we better read a bit of history, because we're talking about an area that gobbled up 30 divisions during the last war. Unsuccessfully, by the way, in keeping the peace in Yugoslavia. Unsuccessful in tracking down Tito and finding him in Macedonia. So you're talking about a very, very major undertaking.
>
> Not only that; when they leave, with the amount of hate that's been generated on both sides, it's going to break out and start all over again unless you come to some sort of political constitutional solution for that country.

Mr. President, there is no constitutional solution in Bosnia. There is no peace, really, in Bosnia.

It is discouraging that, after the 2 years that this has gone on, and the incalculable suffering by the people of Bosnia, the President has finally acted. And in my view he has made the wrong decision.

Two years ago, following a mission in Bosnia with a delegation of Senators to the NATO south headquarters and the Bosnia region and Croatia, I came to the conclusion that only a military balance in the region would bring a permanent end to the fighting. This administration consistently opposed that strategy, long advocated by the majority leader, Senator DOLE. Now, administration officials define a military balance as a key component of our exit strategy from Bosnia. How is it that aiding the legal Government of Bosnia to defend itself was wrong for so long, and now defines success for this deployment?

American soldiers, air crews, marines, and sailors will now be placed in harm's way because this administration failed to do what so many of us urged—permit the legal Government of Bosnia—permit the people of Bosnia—to defend their country, and their lives. The question now is whether we will approve putting the men and women of our Armed Forces at risk, to recover from the mistakes and errors of the past 3 years.

In October, Senator INOUYE and I led a bipartisan delegation to review the NATO peace enforcement plan, and evaluate the situation on the ground in Croatia and Sarajevo. Let me state now that our discussions with military leaders at the United States European Command headquarters in Stuttgart made clear that our troops have been well-trained and well-prepared for what they may face in Bosnia. While I do not agree with the President's decision, I applaud the leadership exercised by General Shalikashvili, Admiral Smith, General Crouch, and General Hawley—they have done everything in their power to prepare our troops to protect their own lives.

We may face casualties in Bosnia—every military commander we met addressed the risks there. But we were assured that those casualties will not be the result of indifference or failures by the Department of Defense to do its job to make the force ready. This is a superb force that the President has ordered to Bosnia, will bring credit to the military, and to our Nation, regardless of the challenges of the Balkans, of that I am sure.

But, if the situation in Bosnia was unique, a compelling case for United States intervention might be made. Sadly, the killing, the suffering, and the devastation in Bosnia represents only one chapter in the growing record of civil strife around the world. Even more troubling is that Bosnia may be only a warning bell for severe disruption and conflict in other former Communist nations, including the former Soviet Union itself. We must not forget the fact that we are watching the disintegration of Yugoslavia.

In Africa, Central Asia, and the Far East, we have witnessed, without deploying United States troops, slaughters and tyranny in Ethiopia, Uganda, Sudan, Mozambique, and Angola. Where we did intervene, in Rwanda and Somalia, our efforts resulted in only a temporary lull in the killing, or in the end, completely failed, as when we tried to mix humanitarian aid with nation building in Somalia. In Asia, we turned away from any responsibility despite the terror in Sri Lanka, in Burma, and the decade of killing in Cambodia. In Cambodia, peace was accomplished when the parties were tired of fighting, and the United Nations provided a framework for reconstruction, led by Japan and Australia—key regional powers.

The former Soviet Union and associated states present an entirely separate category of potential future conflicts. Already, we have witnessed fighting in Georgia, Azerbaijan, Tajikistan, Armenia, and Chechnya. We in Alaska watch closely developments in Siberia, and I predict to the Senate that we will see unrest and perhaps the fragmentation of that corner of the former Soviet Empire before the end of this decade.

Many of these nations are artificial. We should remember that. Within the former Soviet Union, within the former Warsaw Pact, and within the former Yugoslavia, these are not natural nation states. Today in many of the

states long simmering rivalries, feuds, and clan conflicts that were suppressed by brutal, authoritarian regimes continue to surface. People did not accept Communist dictatorships, they lived in fear of them. They chafed under that tyranny, under the control of entirely different nation, a nation that erased their traditional boundaries. And now they are acting on desires for self-determination to try to restore the past.

Bosnia is not the first nor will it be the last of such civil wars in former Communist nations. The precedent set by the President on how the United States will respond to these conflicts will haunt the United States for years to come.

I do not know how this administration reached a value judgment that a life in Bosnia is more significant than a life in Chechnya or Armenia. And I would ask, are the threats to Turkey from unrest along the Black Sea of less vital interest than the imagined threats to Greece from the unrest in the Balkans?

I really do not know how the President's equation works yet, Mr. President. What future commitments has the President made by this decision to dispatch forces to this region? Based on our discussions with U.S. military leaders in Europe and the hearing before the defense appropriations subcommittee, which I chaired, I found no basis for any claim that a broader war in Europe could emerge from this conflict. We have heard that again here today.

There is simply no likelihood that troops from this 20,000 square mile area will march on Greece, or that Croatia will march on Italy, as a result of this centuries-long hatred in the Balkans.

Any suggestions that this civil conflict will ignite world war III to me is farfetched and irresponsible. And I say this with no disrespect to Secretary Perry and General Shalikashvili. I told them of my conclusions following our trips to Bosnia, in private meetings and public hearings.

This deployment may be more about fulfilling the President's hasty commitment to NATO leaders. It may be one to assert a new dominating role for the United States in NATO affairs.

To me, it is not a deployment to prevent the spread of war to Southern Europe. I find it very interesting that in the past, many on the other side of the aisle scoffed at the domino theory when it was raised with regard to Europe, Southeast Asia, or the even the Middle East during the gulf war. It is remarkable now to hear that this civil war in 20,000 square miles of Bosnia may spill over and proliferate into conflict in Greece, Turkey, Hungary, Romania, or Albania. All have been mentioned here on the floor, Mr. President.

Procedurally, there is no basis in the NATO Treaty for this mission. The North Atlantic Treaty defines a defensive relationship between the signatories focused on mutual defense. This action takes NATO in a new and uncharted direction. The President does so now under circumstances where the NATO alliance is described as so weak that America choosing not to participate in this mission could destroy that alliance. Those are not my words. That is what we were told at the NATO headquarters when we visited Brussels.

NATO officials told our delegation that defense spending cutbacks by some NATO members have so reduced their military forces that they simply cannot do more than provide token units to the NATO implementation force. NATO ministers presented us a stark choice in Bosnia. We were either to provide a military force for Europe or see NATO collapse.

I do not see why we should provide a military force for Europe because of the threat that NATO would collapse. I think that is one of the most remarkable statements I have heard.

Is it true that our allies that we joined together to defend against the monolithic Soviet Union are incapable of containing a small conflict in 20,000 square miles of Europe?

We are the world's only remaining superpower. The budget that I helped present to the Senate that the President approved for the Department of Defense is a good one, but it does not keep pace with inflation. And I say to the Senate that the bottom line is this Nation cannot provide for Europe's defense and Asia's defense and the Middle East's defense. The American taxpayers should not, cannot, and will not shoulder this burden alone. If NATO cannot do this without us, what is it that NATO can do now?

I have probably attended more NATO meetings than any Member of the Senate still here today, and I have been a firm supporter of NATO all along. But I was appalled to be told by leaders of NATO that if we did not participate in this mission, NATO would collapse.

Mr. President, I will vote for the Hutchison-Inhofe resolution, and I am proud to have worked with them and so many of my colleagues to bring this matter before the Senate. I hope to be able to support also the leader's resolution. I hope it will come before the Senate because I think we must not only make a clear commitment to our Armed Forces, which the leader's resolution will do, but I think we must have a resolution that will go to the President and that he must sign that defines not only our role vis-a-vis the Bosnian Moslems, but also the exit strategy that we should pursue.

I do not enjoy finding myself in opposition to any President. Our Constitution makes the President the Commander in Chief of our military forces, and he has the authority to command. He has the authority to deploy these forces. But the Constitution gives the Congress responsibility also to provide for our common defense.

How can we provide for our common defense if Presidents continue to send our forces throughout the world for humanitarian and peacekeeping efforts to Haiti, to Somalia, or wherever it might be? I believe we are weakening our defense every time we use defense money for peacekeeping measures, and we will pay the price.

I only need to point out the number of ships we are able to build a year. Figure it out someday, Mr. President. We build about six or seven now, and they have about a 20-year average life. How can we possibly keep a 350- or 400-ship Navy with the current rate of procurement for Naval forces? Or look at the Air Force; it is coming down so rapidly. Or look at our tanks; it will not be long until we will have tanks to send people to war that were built by their grandfathers.

The defense budget is not, as the President said, an overloaded budget. It is an underfunded budget from the point of view of modernization, and that is really the problem we have here.

I do not believe the American people want our troops in Bosnia. I think they want a very good defense force. They want us to be able to keep our commitments abroad.

I do not believe a majority of the Congress should support the President's decision to send troops to Bosnia, and I regret the President did not consult the Congress, or consider our views—particularly the views of some of those who were sent to Bosnia to bring back a report to him.

This decision sets a very disturbing precedent for me, Mr. President. I do not think the debate will change the policy the President has embarked on. I hope that some of our allies are listening, and I hope more people question our becoming involved to save NATO rather than to defend our national interest. They are not synonymous any longer, Mr. President.

I believe that the debate should cause our allies in Europe to recognize that our commitment to NATO is not without limits and hinges upon Europe's willingness to act as a full partner in any military or political function.

My hope is that the debate will caution the President also—will caution him not to commit us further without closer consultation with the Congress and its leaders, and without the support of the American people.

It is my fervent hope that the debate will result in policies that will bring these troops home as soon as possible.

I can only say as I started, Mr. President, that I regret deeply the decision to send them there in the first place.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, thank you.

Mr. President, I rise in support of the Hutchison-Inhofe amendment in opposition to the President's decision to send troops to Bosnia.

I, like the Senator from Alaska, would like to be able to support the President in regard to this matter. I think the politics should end at the water's edge whenever possible. I regret that I am not able to do so. But after extensive hearings in the Foreign Relations Committee and others, and after carefully examining all of the arguments and all of the information that is available, I have concluded that there are several reasons for being opposed to the President's action.

I do not believe that they have made a convincing case that it is in our national interest to take this action. I think that policy rewards the aggression that has taken place over the last 4 years in that country. But I think probably the most definitive problem, as presented by the President's action, is that there is no indication—not only have they not carried the burden of proof, in my opinion, but there is simply no indication—that this action will meet with any success. I think the first thing we have to do with regard to that point is define success.

It was pointed out a little earlier this evening that we would be successful even if hostilities broke out before the 12-month period and we left. I respectfully disagree with that assertion. Once you think about it, it is certainly not that simple. If we were there for 2 months, 3 months, or 4 months and hostilities broke out, and we simply took the position that, well, we tried and the people who we are here to help do not want to be helped so we will leave, we would be accused of cutting and running as we have been accused of before. That would be disastrous, Mr. President, for the United States of America.

If, on the other hand, hostilities broke out, we were involved in hostilities before the expiration of the 12-month period, and we stayed, and we were in the middle of those hostilities and engaged in those hostilities, we would be in danger of being in a quagmire, and Vietnam would be talked about a whole lot more than it has been here tonight. So it is not a simple proposition. If this breaks down before the 12-month period, it is not a simple proposition for us to just turn around and leave. It would be a very big black mark as far as the credibility of the United States of America is concerned.

I tend to believe that with the forces that we are putting in there and with the forces that NATO and other countries are putting in there, we can probably keep the lid on it for 12 months. I think there is a much greater likelihood that the day we leave hostilities will resume. They say, well, again, we have tried our best. We will come out all right if that is the case.

I respectfully disagree with that argument. That is not a definition of success either. We will have expended lives, Mr. President. They talk about the estimate of 6 million mines being scattered around in terrain like most of us have never experienced. Our colleagues come back and say you cannot even get a truck, much less a tank, in most of these places. The terrain is vertical. It is not horizontal. We would expend, some people say, upward of $5 to $6 billion, not counting what some people believe will be an extensive foreign aid package as we leave.

Now, I think we would have spent something that is equally important, certainly more important than the money part, and that is our credibility. It would have been in vain. We would have paid a price. We would have had another failed mission, Mr. President, at a time when the U.S. military does not need another failed mission because of the leadership that has been provided to them.

So with that definition of success, what is the likelihood of success? I think that if you look to the past or you look to the present or you look to the future, there is very little, if any, likelihood of success. These people have been warring with each other for hundreds of years. We have had 34 cease-fires before this one. No one has made a credible case yet that they are not just taking another pause in the hostilities to reinforce themselves during the time of a bitter winter when they could not do much anyway.

Also, apparently, none of the parties engaged in this process believe that the other side wants peace. We can never create a peace, Mr. President, until the parties themselves want peace, regardless of the actions that we take. Historically, they have not wanted peace for a long time. With the mass murders that have taken place just within the last few months, apparently, over there and the continued atrocities and ethnic cleansing that continue to go on, those feelings are not going to subside overnight, regardless of what has been put on a piece of paper in Dayton, OH. They are still there. They are going to linger there. Evidently the Croatians and the Bosnians did not think that the Serbs wanted peace. They would not even sit down to the table unless the United States was there. Evidently we do not think the Serbs want peace because one of the conditions that is being talked about so much is that we must equalize the forces. We would not need to be so concerned about that if we did not think the Serbs still had aggressive tendencies and would exercise those tendencies the moment that we left.

What about present circumstances? Are there any indications of success from this policy under present circumstances? You can just look and see what has happened since Dayton and come to the conclusion the answer is no to that particular question. We have the leaders over here, some of whom probably are trying desperately to keep from being branded war criminals, making policies and putting things in an extensive document that their very people back in Sarajevo and other places in the area are denouncing and saying they will never live under—certainly not encouraging conditions.

We are debating whether or not we are nation building, and everyone seems to agree that we certainly do not want to get into nation building. I would suggest it is more than that. It is apparently nation creating. Apparently the document calls for the creation of a new nation, basically divided in half, populated by three ethnic groups which have been warring with each other for centuries.

What is the likelihood that we can go in there and create that kind of new government—or not create it. In all fairness, I must say, it is not our job to create it, but it is our job to monitor and enforce the agreement, whatever that means. Monitor and enforce the agreement. As I understand it, one of the goals is to build down, as they say, the arms on one side of this conflict and build up the arms on the other; presumably those folks who are losing the arms are going to sit back and allow that to happen. Apparently we are to monitor and enforce the understanding with regard to the refugees. As we know, some of these areas and some of these very homes have changed hands. We are going to have people in one group being pushed out by people of another group, going to courts that are being run totally by one group.

That is not going to be a very satisfactory resolution to the people who are kicked out. And then we are supposed to leave a balance of power. If there has ever been an indication where the United States or another country has gone into another area and figured this out from a piece of paper, got the top help involved and figured out how to create and enforce and leave a balance of power, I would like to know what it is.

Nobody seems to ask the other question, too: What does a balance of power do? Does that cause people to lay down those arms? Does it cause them to say we cannot fight now because we have a balance of power? I would not think so.

Some points that really must cause one to think have been made because we are told that this is significant as far as supporting the President's concern but also supporting NATO. I think the Senator from Alaska makes a very good point when he raises the question whether or not this is something that is in our national interest or is it something that is in NATO's interest and we have an interest in NATO, and therefore it is in our national interest.

If that is the logic, it is very questionable. For some time now NATO has

acted as if this particular conflict and the resolution of it was not even in the national interest of the countries involved, much less NATO. For some time now they have resisted our attempts to lift the arms embargo, to try to reach some kind of resolution along the lines, as I read it, of what the Dayton accord seeks to do with regard to the arms portion of the agreement.

I think it is important that we have a strong NATO. I think it is important that we cooperate with NATO. But I think it is also important that NATO cooperate with us. And they failed to cooperate with us. The Secretary of State went around to the NATO countries hat in hand and asked for support and help to get this policy through that the U.S. Congress, I believe, was very firmly in support of, the President said he was in support of, and I think the American people were in support of. They turned a deaf ear to us.

Now they have taken the position where apparently they have not seen their own national interest and vital interest of these countries very directly involved and convinced us in one fell swoop that it is in our national interest to send ground troops over there. Not that we do not have any interest at all, but is our national interest sufficient for us to send ground troops? I think probably what this conflict did was catch us in mid-redefinition of the role of NATO and our role in NATO. We have built down from over 300,000 troops in the NATO countries to around 100,000 or so now. Obviously, we see a different situation now that the cold war is over. We do not have that big threat of aggression to the NATO countries from the one superpower. It is a different world that we live in, no less dangerous world but a different world that we live in.

And the question here is a new one for us. That is, what happens, first, when you are engaging in not an aggression situation but a so-called peacekeeping situation and, second, it does not involve a NATO country? It does not involve a NATO country.

I certainly believe a case can be made that we can become involved and we could supply logistics, intelligence, and other areas that we obviously have capabilities that some of these other countries do not have, without supplying ground troops.

Should we be the one to initially step forward with a commitment to supply ground troops simply because we want to have some involvement or support in NATO? I do not think so.

So it is too late now with regard to this particular venture. But I think we are going to have to step back and redefine our role there because we cannot afford to let NATO pull us into any kind of conflict over there in another part of the world, that if they had done the right thing in this particular instance we would probably be in much better shape than we are in right now.

Another argument that has been made, that is pause for concern to those of us who are opposed to the President's policy here, is the charge of isolationism. And the charge is made that those who do not support the President are isolationists and do not see our country's interests go past our own borders. That is not the case. That is not the case at all.

I certainly believe that we must exercise a strong role. One of the things that can be said positively about what the President has done is that he has taken a strong stand. Unfortunately, I think that it is an incorrect stand. But I kind of admire the fact that he has taken a strong stand.

If we had taken a strong stand somewhat earlier in this country with regard to this particular area, and others I might add, we would be in a whole lot better shape. We would have a whole lot more credibility, and so would NATO right now.

So I think many of us see that we have to exercise a leadership role. We do live in one world. We say that we do not want CNN running our Nation's policy, and it should not. But CNN is there. It has arrived. When we watch atrocities in parts of the world, it affects us. It does not mean that we have to be involved in each and every one, but it affects us as a Nation. And when we see in an area where we can take some action, such as lifting an arms embargo, for example, and we sit back year after year and do nothing, I do not think that helps us. I do not think that helps the United States of America and what we are supposed to stand for and what we are as a people. It does not do us any good, I do not think.

So all of that is true. But I feel like the policy here at hand is not only misguided, but will wind up fueling the very isolationist tendencies that the supporters of this policy decry. Because if, in fact, it is isolationism that got us here, because we did not have the strong effort by NATO—and we as a country perhaps made some mistakes in not having a firmer hand in many different respects with regard to this part of the world some time ago.

But now if, as all indications would point toward, this turns out to be a failed policy, if hostilities resume, if we have to leave prematurely or hostilities resume after we have left, having spent billions of dollars and many lives of our young people, that is going to cause people to be very, very reluctant, much more reluctant than otherwise to get into the next conflict where we might have some national interest.

So we must husband our resources with a certain amount of wisdom, discretion. And the President should not come to the U.S. Congress and say that this is a fait accompli, and you should not look to the underlying policy. That is what we are faced with here.

The role of Congress has been rendered essentially a nullity. As far as these resolutions are concerned, I feel like it is important that we express ourselves. But I think it is even more important for this reason. If we express ourselves here and the President knows that we do not take to the idea that we are not entitled to look at the underlying policy, if he knows that underlying policy will be debated—any President—and will have to see the light of day and the details will be examined and will not be rubberstamped, even if the troops are on the way, then perhaps it will change some Presidential actions in the future because those things are going to continue to occur throughout the rest of our history, I would assume. It is a much more dangerous world in many respects that we live in today than ever before.

So we have been presented somewhat with two bad alternatives. One is to support a bad policy; and the other is to do something which the administration would urge might somehow undermine the effort. And none of us want to do that. And I do not like that policy. I mean I do not like that choice, that Hobson's choice.

But on balance, I think it is much worse to establish a precedent that if a President can quietly enough and rapidly enough make commitments and come to the U.S. Congress and say it is a fait accompli, the Congress does not have the right or the obligation to look into the underlying action, that is a bad policy and I do not think we should subscribe to it, and therefore, I will support the resolution. I thank the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, from the beginning of the present Bosnian conflict during the Presidency of George Bush, I have opposed an immediate American participation in it in any fashion that would risk the lives of young American men and women.

From the beginning of that conflict, during the Presidency of George Bush, I have favored the lifting of the arms embargo against the Bosnian victims of Serbian aggression, on the premise that it was not only unfair, but immoral to treat identically the aggressors and the victims of that aggression.

The Bosnians, it seemed to me, as it did to most Members of this body, deserved at least the right to fight for their own freedom—a right which they have effectively been denied.

Everything in history and logic and our intuitions told us to oppose the kind of action in which the President is engaged in at the present time. Even the peace treaty we are there in part to enforce is an unjust treaty which leaves the aggressors in possession of most of the areas which they conquered and in which they engaged in some of the most horrible war crimes in recent history.

In 1993, some 2 years ago, President Clinton made what appeared to be a casual remark to our Europe allies. He promised that American Armed Forces, specifically ground troops, would participate in a Bosnian peacekeeping effort as and when such a peace were reached. I am convinced that then, as today, President Clinton did not understand the consequences of that promise, especially as it came as a promise from the leader of the free world.

Mr. Clinton's proclivity to tell people whatever they want to hear at the time in which they want to hear it is well documented here in the United States. But what the American people will perceive simply to be a flaw in the President's character in the rest of the world could precipitate a catastrophe in our foreign policy.

And so, Mr. President, as we meet here this evening, after the President's commitment, not only in abstract terms in 1993, but in concrete terms just a few weeks ago, the question is no longer whether or not we as individual Members of the Senate agreed with that promise or supported the President's policies.

Charles Krauthammer wrote in the Washington Post last Friday:

> It does not matter that we should not have gone into Bosnia in the first place. It now matters only that we succeed.

Regrettably, I find that to be the absolute and incontrovertible truth. Let us not fool ourselves that this is an easy task. We are going into Bosnia to create or perhaps to preserve in part a pause in fighting between bitter, 600-year-old enemies. Success will not be easy. But now that we are there, now that we are the leaders of the NATO forces in Bosnia, it is absolutely essential for the future of this country, as well as for the future of NATO, that we succeed. As a consequence, our first task is to define success.

Are we going to build a parliamentary democracy in Bosnia?

Of course not. Are we going to reconcile six-centuries-old enmities after hundreds of thousands of people have been killed and millions displaced in a 1-year period? Of course not.

Then, Mr. President, what is the definition of "success," assuming that the President keeps his commitment to withdraw our troops at the end of a 1-year period? The only possible definition of success, it seems to me, is that when we leave, the Bosnians are able to defend themselves against further aggression; that a peace, not arising out of reconciliation, can at least arise out of a balance of power and a feeling that the acts of the last 5 years cannot be repeated.

It is exactly at that definition of success that the resolution proposed by our distinguished majority leader, ROBERT DOLE, is aimed. The vague and uncertain promises that the Bosnians be equipped in such a way that they can defend themselves in the agreements in Dayton are sharpened and strengthened in this resolution by the insistence that we assure that these people, these victims, be able successfully to defend themselves at the end of a 1-year period.

If that is the case, Mr. President, and only if that is the case, will we and our NATO allies be able to leave Bosnia without an automatic renewal of the civil war. And only if we are able to leave without that automatic renewal taking place, can either we or NATO claim to have been successful.

The North Atlantic Treaty Organization has been the centerpiece of the foreign policy of the United States since 1948. It has been and it remains vital to the peace not only of Europe but to the rest of the world that NATO continue and that it be credible. As a consequence, even though NATO may have, as I believe it has done, made an erroneous and unwise commitment, and even though the President of the United States may have done and has done, in my view, an unwise thing in entering into this commitment, we now must honor it. We must honor it in a way that protects, to the best of our ability to do so, the security of our troops on the ground during the time that they are there and gives some reasonable degree of assurance that the war will not recommence immediately upon our leaving.

Mr. President, every one of us in this body knows that the Congress of the United States will not and cannot exercise the only full authority it has, and that is to cut off any funding for this Bosnian venture. A Presidential veto on the assumption that there might be a majority in both Houses for cutting off that funding would not be overridden. The President has committed our troops to Bosnia. He is going to carry out that commitment, whatever the oratory on this floor, whatever the resolution that passes this body. We, therefore, if we are to be wiser than the President has been, must try to see to it that the troops who are there are there under the best possible circumstances, as undesirable as those circumstances may be. We must try to see to it that they are there for the shortest period of time possible, and that when they leave, the world can say that their intervention has been a success.

Mr. President, I believe that the distinguished majority leader and those who have worked with him on his resolution have charted the only possible course of action that can meet those goals.

We, as Americans, can have only one President at a time. All Presidents are fallible and, I must say, I think this President is particularly fallible. As a Member of this Senate, I supported President Reagan when he ordered air raids on Libya. I supported President Reagan when he liberated Grenada. And I supported President Bush when he proposed, ultimately successfully, to liberate Kuwait. I must say that none of those decisions was nearly as difficult as this one is, because in each case, I believed that the President was doing the right thing. But in a certain measure, even then that support was granted because the President, who was in charge, was our Commander in Chief and deserved every benefit of the doubt.

I do not believe we can appropriately grant that benefit only to a President of our own party or a President with whom we agree. As a consequence, as reluctant as this assent is, I believe we must assent to what the President has done, at least to the extent of strongly supporting our troops who are faced with an extraordinarily difficult challenge, giving them the greatest possible opportunity to carry out their mission successfully from the perspective of defending their own lives and security and successfully from the perspective of defending their own lines and security and successfully from the perspective of leaving Bosnia at least not as terrible a place as they found it. The only way I have discovered at this point to do that, Mr. President, is to support the initiative of our distinguished majority leader.

Our constituents—all of our constituents—are frustrated by this venture. It has not been appropriately defended by the President. His casual promise of 2 years ago should never have been made. But each of these is a bell we cannot unring and, at this point, we must look forward and do the best we can for our troops, our country, and our alliance. That, I am convinced, we will do by supporting Senator DOLE's resolution.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I rise in support of the Hutchison resolution in opposition—strong opposition—to sending American forces into Bosnia. I was quite interested in the remarks of my friend from the State of Washington. In listening to his remarks—and I know other Senators on the floor, Senator BROWN, served with me in Vietnam—I could not help but think of terms like "Vietnamization." I remember the charts, the McNamara charts and the pointers, how, if we would just supply a little help, we could be there a little while and the South Vietnamese would soon be able to take over the war and fight their own battles; if we could just secure the peace, everything would be all right.

Mr. President, 58,000-plus lives later, we gave it back to the North Vietnamese.

I remember then, very much so, as a young man of draft age volunteering in the Navy to serve, I remember then

Presidents making commitments. And although this is not Vietnam per se, the parallels are very similar because, as the President must know, and as all of us participating in this debate know, and as the American people know full well, the majority of the American people do not support our involvement here. The difference is that we can stand here on the floor and debate this, and we know that, regardless of what we say here or what we debate here, the President is going to—indeed has already begun—proceed to send troops to Bosnia. So perhaps we are wasting our time.

I think it is important that people understand that, yes, we are debating it and, yes, the President made this commitment 2 years ago. But there is somebody's son and there is somebody's daughter that, probably prior to Christmas, is going to be off somewhere in this far-off land without the full support of the American people for having them go there. They will have the support of the American people and this Senator's support when they get there, but that does not mean we have to endorse the policy of sending them there.

I do not take participation in this debate lightly. There have been three or four major issues that I have been involved in since I have been in the Senate for some 5 years and in the House 6 years before that. One was the Persian Gulf war. It is not easy when you stand here, knowing the vote you make may cost American lives. It troubles me very much to take the floor of the U.S. Senate in opposition to any President, including President Clinton.

I served in the Vietnam war under President Johnson. I disapproved of President Johnson's policies. I did not think he conducted the war properly. But I was proud to serve in the military and do my duty. I never had a second thought about that, as most military people do not. But I cannot sit idly by and say nothing and watch our troops being sent into harm's way, Mr. President, without a coherent policy and without a compelling military mission. And there is no coherent policy and there is absolutely no compelling military mission.

These men and women are not trained to be 911 response teams. Police departments do that pretty well. These men and women are trained to fight for the national security of the United States. That is not why they are going there. So they are going to be put in harm's way, doing things they were not trained to do.

Over the past 3 years, many of us in this body have spoken out loudly and clearly on lifting the arms embargo, which has denied the Bosnia Moslems the ability to defend themselves. They have a right to do that. Bosnia is their country. Those of us who have advocated lifting the embargo believe that because it is their country, the Moslems deserve the opportunity to defend it, to protect their families, their property, their culture, against a Serbian onslaught. Do you remember the safe havens? They were not very safe, but they were told they were safe. They were herded into them and executed by the Serbs.

If the President, President Clinton, had accepted this recommendation that many of us made, including the majority leader, here on the floor and exerted firm leadership, we would not be having this debate. We would not be sending troops to Bosnia. They would not be giving up Christmas with their families to go to this far-off land, to be put in harm's way. We would not be doing it. Why? Because the Moslems would have been able to defend themselves if we had just—we did have to arm them. All we had to do was step out of the way and let them be armed. But we did not do it. So I am not swayed emotionally or any other way by the fact that this President made some commitment 2 years ago to NATO allies. I am not swayed in the slightest, because if things go wrong, if it looks bad not to go, how bad is it going to look when we leave, after things get rough?

Are my colleagues here prepared to come down on the Senate floor if, in fact, something goes wrong—and I pray it does not—and when casualties occur? I remember that, too, in Vietnam, Mr. President, very clearly. I remember when there were 2 or 3 a week, and I remember when there were 350 a week coming home dead. The American people then lost interest in the war because they never supported it in the first place, and brave young men and women died because of that. That could happen this time, and I cannot believe that we are allowing it to happen again.

When will we ever learn from history? A year ago, it was widely reported that the President offered up to 25,000 American troops to help withdraw the U.N. protection forces from Bosnia. I joined many of my colleagues right here on this floor voicing serious reservations with that proposal. It is strangely ironic that 1 year later the President has committed roughly the same number of troops from the same service elements to enforce a peace agreement that, as of today, has not even been signed. Maybe it will be signed in the next day or so; maybe it will not. But we are already going to send troops, are we not? We already made the commitment. We hear people from all sides saying we are not going to support it. So we are going to put our American forces there in harm's way, without a peace treaty that we know will work.

Is that our responsibility? Why? Because CNN carries bloody footage every night from the war? There are other places where blood is let every day, and we are not there—Ethiopia, Somalia. We were in Somalia, but we should not have been there either. There is at least the appearance that when Congress closed the front door on Bosnia deployment, the President decided to sneak around the back door to get the American troops involved. That is what he did. He made an incorrect decision.

The President has stated that our troops will only be deployed to Bosnia for a year. He has not articulated what the specific mission will be. He has not defined a concise timetable or sequence of milestones for achieving our military objectives. How can he possibly say that American forces will be there for a year? He does not know that. Sure, he can pull them out in a year, regardless. All sides know that. So if I were an adversary in Bosnia, I would do one of two things. One, I would absolutely harass American forces to try to create as many casualties as I could and get us out, or I would sit back and do nothing and wait for a year. And, in the meantime, during that year, how many landmines do American forces step on? How many people die in simple motor vehicle accidents, or airplane accidents, or other combat-related accidents, in the line of duty?

This is not a safe venture. When you deploy 20,000 troops anywhere in one big operation like this, it is a high-risk operation. I am not sure the President of the United States, to be very blunt about it, who never served in the military, and specifically avoided serving in the military, understands that, to be candid about it. The only argument I hear coming from the White House spin doctors in support of the President's policy is the assertion that President Clinton has made a commitment to our allies, and if Congress were to reject this commitment, it is going to destroy our credibility and destroy our reputation in the international community. That is no consolation, is it, to the mothers and fathers, brothers, sisters and kids of the American personnel that are being sent to Bosnia? Frankly, I think it is a disgrace.

I hope the President will think, as I am going to think, before I vote tomorrow on this. If I have to make that phone call—and I pray to God nobody ever has to make it—or I have to look a mother, or a father, or a brother, or another loved one in the eye, I have to be able to say to that person: Your son, your daughter, your brother, your sister, whatever, died for a good reason.

There was a good reason for us to be there. Can we really say that? I sure cannot. I could not say it. I cannot look that parent or sibling in the eye and say, "Your son or daughter died for a good cause, a good reason, died bravely, yes, died courageously, yes, or was injured in the line of duty, courageous, absolutely."

Know why? Some feel sympathy. Some who have never served in the military do not understand. They feel sympathy toward those people who go. They do not want your sympathy. They go where they are asked. They are the bravest, best, most ready military force in the world, and they do their duty. They do it better than anyone else in the world. That is why we stopped Nazi Germany in World War II.

They do it because it is their duty to do it. It does not mean we should ask them to do it. That is a different story.

The American forces, the Armed Forces, again, are not to be subcontracted out all over the world whenever some crisis erupts. They are the guardians of our security, our liberty, our national security. We ought not to allow them to be needlessly or recklessly endangered, even if the President has boxed himself in a corner.

What is the President supposed to say to Mrs. So-and-so when she loses her son? "I got boxed in a corner, Mrs. Jones. I am very sorry. I made a commitment. I should not have made it, but I sent your loved one anyway, to be killed. I am sorry." That is not good enough, folks. That is not good enough. That is not good enough.

Bosnian peacekeeping is not an appropriate role for the Armed Forces of the United States. It is not what they are trained to do. It is not what they are trained to do.

Now, the administration has also suggested that those of us who do not support turning the American military into a Bosnian police force are somehow isolationists. I resent that charge very much. The issue here is not whether our Armed Forces should be called upon when necessary to defend our interests abroad; rather, the issue is, when, where, and under what circumstances is it appropriate to deploy U.S. military personnel in and out of area operations? That is what the military is all about. It is troubling to me that even after 3 years of on-the-job training the President still—still—does not understand the proper role of our Armed Forces.

I just left a meeting 15 or 20 minutes before I came here to the floor. We were talking about the Defense budget. We were talking back and forth, back and forth among Members of both sides of the aisle. A couple of comments were made. Well, we do not think the President will sign this bill. The President is not going to sign, we are hearing, he is not going to sign the Defense authorization bill which provides the support, increases the pay, by the way, of our military, the people that he is asking to go to Bosnia. He is not going to sign a bill to give them a pay raise. That is what is being threatened, hung over our head every day. But he made a commitment to somebody in NATO without the consent of Congress, without consulting the American people. Without consulting anybody, he made that commitment.

I think he has a commitment to those he is sending that he ought to support. If he vetoes a Defense bill, he is not supporting them. Anybody that says he did not like everything in it, let me tell you, what is in it is the funding for those people that he is sending.

So when we debated here—I do not want anybody to accuse me or anyone else who takes the other side that we are isolationists. I was not an isolationist when I served in Vietnam, and I was not an isolationist when I supported every Defense budget to support our American troops since I have been in the Congress, and when I supported pay raises when he would not support pay raises for members of the military.

We have no military or economic interests—none—in Bosnia. The American people overwhelmingly oppose this policy. They oppose the commitment of 20,000 ground troops. Everybody knows that. Look at any poll. That is the issue. The White House spin does not cut it. Public relations gimmickry does not cut it. It does not work. Nothing is going to change them.

Let me briefly, for the benefit of my colleagues, highlight what I see to be the critical unanswered questions associated with the President's Bosnia policy.

First, what is our exact mission in Bosnia? What are we supposed to do? Are we there to make peace? I ask everyone to listen, are we there to make peace, keep peace, enforce peace, or monitor peace? Which is it? Are we neutral? Are we evenhanded, or are we realigned with the Bosnian Moslems? Which is it: Keep peace, enforce peace, monitor peace, make peace? Are we neutral, are we even handed, or aligning with the Moslems? Does anyone know the answer to that question? No one knows the answer to that question.

What is the difference between making peace, keeping peace, enforcing peace, or monitoring peace? No one knows the answer to that question. The President does not know the answer to that question. It has never been clearly delineated.

Second, why are we deploying for 1 year? Where did that come from? One year—we just pick these guys up, 9–1–1 force, send them over there for 1 year. Why not 10 months? How about a year and a half? Fourteen years, 14 days, 2 years, 11 years—where did 1 year come from?

Can you imagine if Franklin Roosevelt had said after Pearl Harbor, "We will take your boys and send them out for 1 year. If we win the war, we will come back in 1 year. If we lose the war, we will come back in 1 year."

This is not Franklin Roosevelt in the White House right now. He does not understand, you cannot make a commitment like that. You do not tell your enemies what you are going to do ahead of time. If we do not know exactly what the mission is, how do we know how long it will take to complete it? What sequence of milestones have we established to determine our progress?

What happens if after this year, this little arbitrary year goes by, what happens if we have not achieved our objectives—we do not know what the objectives are, but assume we have not achieved them whatever they might be—what do we do then? Pull the plug? Leave and concede that the whole operation was a waste?

How about that phone call? "Mrs. Jones, we stayed there a year, we took some casualties. Unfortunately, your son was one. We did not get it done. Unfortunately, they still want to fight, so we are leaving." Maybe Mrs. Jones should know that now—not tomorrow, not after her son is injured or killed—today. Maybe Private Jones ought to know that now, too.

Are the antagonists not likely to wait us out and launch hostilities as soon as we leave? Is it all for nothing if we have not achieved our goal in a year? Mr. President, 1,000 years these people have been fighting over there, and we will decide it all in a year. We will take care of it all in 1 year. We will come home in 1 year, and that will be it. All that fighting will end, all that 1,000 years, century after century, we will take care of it in a year. Very ambitious.

Maybe the President reneges on his 1-year commitment and he decides to keep the troops there a little longer. How long is a little longer—14 years? How many years were we in Vietnam? The Senator in the chair knows we went there in 1961 to help the South Vietnamese get control of their government against the communist onslaught from the North, and 12 years later we left. And 2 years after that, the North Vietnamese tanks rolled back into South Vietnam.

We saw it in Somalia. If you do not like the Vietnamese example, you think that is too hard on the President, to look at. It is easy to get the troops in. It is a little tough to get them out, though.

The troops are deploying to this treacherous terrain in the middle of the winter, dead winter. There is no infrastructure to support tens of thousands of soldiers. Towns that are being vacated by the Serbs under the peace agreement, told they had to vacate, are being burned and sacked and ravaged. Shermanesque; burned. What are they going to be living in? Tents? Is there housing over there?

If they are not going to live in tents, and many of the houses are being burned, and we have thousands of refugees that the President says are going to come back home, with a shortage of housing, where are we going to quarter

our troops? Did anybody think about that?

How are we going to transport the heavy equipment in and around Bosnia with very few roads that are in shape to be able to pass on? Are we going to have to build those roads and build those bridges? While we are building roads and building bridges, who is going to be protecting the folks that are doing the building of the roads and bridges?

The Senator from Tennessee a short while ago talked about this. At what point do we get sucked into the role of nation building? Nation building? He even used the term, the Senator from Tennessee, Senator Thompson, said "nation creating." Arbitrarily, we take a map in Dayton, OH, and we say: "Here is a line here. Here is a line over here. If you are a Serb, you live on this side of the line. If you are a Moslem, you live over here. If you are a Croat, you live here. If three of you live in the same town, we will split the town up a little bit." That did not work in Berlin and it is not going to work here. It is not going to work here. So we are going to have to nation build. What happens when we leave?

What about the Russian brigade that will be serving alongside American forces? There is going to be a Russian brigade of soldiers serving alongside American forces. I can hear the President now. "That's great. We can work with the Russians." Whose side are the Russians on? Who have they been sympathetic to all these years? The Serbs. What have we been doing to the Serbs for the past few months under this President's policy? Bombing the blazes out of them. Are the Russians going to sit back and allow the Moslems the opportunity to achieve military parity? Are they going to let that happen with their clients, the Serbs? I don't think so.

And what happens—I am asking a lot of interrogatories here, but there are a lot of lives at stake, and we ought to ask these interrogatories. If we had asked them in the Vietnam war, we would not have lost 58,000 people.

What if the Russians do not view us as being evenhanded, and they take action to enhance, to boost the Serbs? What happens then? What happens when the Russians and the Americans have a flareup over who is supporting whom? What happens then? How do we increase the military capability of the Moslems without involving or jeopardizing the security of American ground forces?

I remember this debate a couple of years ago. We were talking about it during the Bush administration. We were talking about it during the Clinton administration. The words "ground forces in Bosnia" was like raking your fingers across a blackboard. It just sickened you to think of. You could just feel how much it hurt just to think about it. I never believed that we would get to this point. Yet here we are.

Even if the U.S. forces are not actually delivering the weapons, and even if they are not training the Moslems, how do we avoid being linked to the Moslems? The Serbs know we are linked to the Moslems. They know that. So, ironically, you have a situation where it could be beneficial to the Moslems to instigate some attack and blame it on the Serbs. Or vice versa. It could happen. What do we do then? Is this Lebanon all over again? Do you remember Lebanon?

(Mr. BROWN assumed the chair.)

Mr. SMITH. Another question. What about the thousands—and I mean thousands—of Iranian fundamentalists who are already in the region supporting the Bosnian Moslems? They are not exactly our best friends, Iranian fundamentalists. How do we defend against terrorism or sabotage from these professed anti-American forces?

Do you see what we have put our American troops into? Is that what they are trained to do? Is that why they went to Ranger school? Is that why they joined the Marines and became pilots and learned to fight for the security of their country? Is that what they did it for? Is that what they were trained to do?

Since I have had a lot of "what abouts" here, what about the Croats? How do they fit into this mix, a very fragile mix? How will they view the buildup of Moslem military capabilities? Are they going to be supportive? Or are they going to be threatened? Will they be emboldened to reignite hostilities against the Serbs, knowing that U.S. troops are in their corner either directly or indirectly? Who knows?

Let me go to the final question. What about the cost, not only in American lives or the possibility of lost American lives—and one life, one, is too many; one life. We have already spent billions on military operations in and around the Adriatic. Navy steaming hours, rescue operations, no-fly-zone enforcement, offensive military operations, and now the preliminary ground deployments have been enormously expensive. This has been taxing the military over and over again. Mr. President, 911 in Somalia, 911 in Haiti, 911 in Cuba, 911 now in Bosnia. You think those dollars do not come from somewhere? You think they do not come out of training? Or housing? Or something? Some military equipment? Flying hours? You bet they do.

What does this President want to do? Cut the defense budget. Do not give them the $7 billion; we do not need it. Cut it. Do not sign the defense bill. Threaten us. We have been threatened for the last 3 months by administration personnel here, and I know because I am on the Armed Services Committee and I have been involved in those threats. "We are not going to sign it if you do not do this or you do not do that."

The administration estimates the 1-year cost in dollars will be an additional $2 billion. How are we going to pay for this? What other programs will become the bill payer? How is readiness being affected? How will this deployment affect our ability to fight and win two major regional contingencies, as called for in the Bottom-Up Review conducted by this President? That means two major contingencies. It means, for example, if war broke out in the Persian Gulf and war broke out in Korea, just to use an example, that is two different regions of the world. We are supposed to be able to go right out there and take care of ourselves and protect our interests in both of those regions, while we are cutting the military, while we are cutting readiness, and cutting operation and man-hours. And if the President does not sign the authorization bill, even giving these kids a pay raise to go risk their lives in Bosnia—we are not talking about a big raise either. The American people need to understand that some of the kids who are going to Bosnia are probably on food stamps because they do not make enough money, so they are eligible for food stamps. It is food for thought, Mr. President, before you send them over there.

I just listed a few dozen of the unanswered questions surrounding this debate, and we will not get the answers before we send our troops over there because they are already being sent there. We are supposed to rubber stamp it. Without substantive answers to these questions, it is irresponsible for the Clinton administration to be committing—let alone actually acting to deploy—thousands of United States troops in Bosnia.

If you think of the Somalia situation, when we lost a group of Army Rangers because we did not even have basic equipment because we did not have access to it, we had to ask for it from one of our allies. That was a small operation—a small operation. This is a big operation with thousands of American troops in harm's way without having basic questions answered.

Do you think that President Roosevelt would have sent troops in World War II or President Truman would have sent troops to Korea without having these questions answered? Of course not. Of course not. President Bush in the Persian Gulf had the questions answered before he went. He knew what the mission was. That mission was very simple: drive the Iraqis out of Kuwait. And he was criticized for not going into Baghdad and killing Saddam Hussein. That is easy to criticize after the fact, but that was not the mission. The mission was to drive them out of Kuwait, which is what they did.

Can somebody tell me what the mission is here? Again, peacekeeping, peacemaking? What is it?

I oppose as firmly, as adamantly, as strenuously, and as strongly as I can sending American soldiers on the ground into Bosnia. I do not believe the President has articulated a clearly defined mission. I do not believe he has articulated a rationale. And I believe as deeply in my heart as I can that it is a terrible, terrible mistake to send America's finest to police this region, to intercede and to take sides in a centuries-old conflict.

And if we get out of there and we do not take casualties and we accomplish it, God bless us. I hope that happens. But is it worth the risk? And the answer is, no, it is not, and the American people know it.

We are taking sides in this case. We are not going in there as strictly peacekeepers. We have already taken sides, just as we did in Somalia, and we paid for it when one of the warlords, Aideed, attacked our troops, just as we did in Lebanon when we took casualties. In each case, we paid a terrible price—a terrible price.

When are we going to learn from the mistakes of the past? When are we going to learn from history?

I hate to say this, but I like to call it like it is. It is something that just makes it worse for me, and people are going to accuse me of taking a cheap shot. And I am not; I am just stating a fact.

This President, when he was called to go to Vietnam, went to Europe and protested the war. He now is ordering these people into combat—possible combat, possible harm's way—without a mission clearly defined and without the support of the American people. There is no small irony there, Mr. President.

If we authorize this misguided deployment, and I know we will, or, even worse, if we acquiesce in it, and I know we will, we are just as culpable for its consequences as the President who sent them there—just as culpable.

I ask my colleagues to think it over very carefully. Are you prepared to accept the responsibility for what may occur there? Are the potential costs worth it in dollars, in lives? What do we gain? If we are successful—and I think any reasonable person would say we might have a few years of peace, maybe, if we are lucky—we have a lot to lose, a whole lot to lose.

I have two teenaged sons. I can tell you I have weighed the pros and cons. They are not of military age yet, but they are not far away. No matter how I do the math, no matter how I do the math, each time I come up with one inescapable conclusion: We should not be sending America's finest to Bosnia. And I have to ask myself, would I want to send them there? If the answer to that question is "no"—and it is—then I am not going to send anybody else's there with my vote.

Bosnia is not our home. It is a terrible tragedy. It is not our security in jeopardy. It is not our fight.

When I think of the blood that we shed for Europe over the years, what we did in literally liberating the continent of Europe, half of it, how could we be criticized for passing on this one, Mr. President? Does that make us isolationist? Give me a break. We cannot afford, nor do we have the moral authority, to be the world's policeman. The world's leader, yes; the world's policeman, no.

This is a European conflict. The Europeans themselves ought to resolve it, and they can resolve it. It has nothing to do with NATO—nothing at all to do with NATO. It is a phony issue. The NATO charter does not even mention Bosnia. They are not members of NATO. NATO talks about collective security, collective response when one of the nations of NATO are attacked. It has nothing to do with NATO.

Do not listen to that phony argument. It is not about isolationism. It is not about internationalism. It is about the proper role of the Armed Forces in international affairs. That is what it is about: the proper role of the Armed Forces in international affairs. It is about keeping faith with the men and women who so selflessly serve our Nation in uniform day in and day out, deployed all over the world. That is what this is about.

During this century, we spent hundreds of billions of dollars defending Europe against communism and against fascism. We sacrificed hundreds of thousands of American lives in Europe in World War I and World War II. Then, after we finished, we spent billions more under the Marshall Plan to rebuild it, and then we fought the cold war. We maintained a robust military presence in Europe throughout that cold war, and we equipped our NATO allies with sophisticated state-of-the-art aircraft and weaponry. And they can use it along with their forces to end this conflict, if they think they can end it.

We have done our part. We have done it. How can anybody accuse us of being isolationist because we do not support sending American forces into Bosnia after all we have done for Europe? We have earned the right—we have earned it—to sit this one out.

There is no reason that our allies cannot begin assuming a more direct role in European security, and certainly no reason they cannot handle the Bosnian peacekeeping mission on their own. It is another 20,000 of their troops. That is all. And, if not, if this operation requires the full combat power of the United States of America because somehow this threatens the security of Europe, then we are really talking about something much larger than a peacekeeping mission, are we not?

My colleagues, please, consider this very carefully. The American people are watching. Lives hang in the balance. Perhaps the moral essence of America hangs in the balance, just like it did when we deserted our people in Vietnam while they died and we protested in the streets.

They are the ones who will be in harm's way. They are the ones who are going to be in the mud and the cold and the slush while we stand on the floor of the Senate debating. They are the ones who will be away from their families at Christmas, missing their kids—not us. They are the ones who will be vulnerable to millions of landmines all over that country, put out there by all sides of the conflict. They are going to be vulnerable to anti-American fundamentalists roving the countryside. They are the ones who are going to be subjected to bitter hatred of combatants who have seen their friends and families butchered before their eyes.

Peace and reconciliation in Bosnia is a lofty goal, and I give the President credit for wanting it, as we all want it. But is it something that American sons and daughters should die for? Is it? Because that is the question. There is no other question that we deal with in this debate that matters except that one when you make that vote.

Is it something that those men and women should die for, whether they do or not? And let us pray they do not, but the question is, is it something they should die for? And I submit with the greatest respect to the President, the Commander in Chief, and to my colleagues, the answer to that question is no, it is not.

Let me end on one final observation. I vigorously oppose this policy, as I have said. But irrespective of the outcome of this debate, I will do everything in my power to ensure the safety and security of our troops. Reasonable people can disagree on policy, as many of us do here today, but I will tell you one thing, if this President sends them there, which he is going to do, this Senator is not going to be silent if he hoists that veto pen and decides to veto the defense bill of the United States of America.

No, this Senator is not going to be silent. This Senator is going to speak up head to head with this President if he pulls that stunt. That is not going to happen without the American people being fully aware of what is going on. As Americans, we must support these men and women, whether we disagree with the policy of the President or not. If he sends them there, we have to support them. But we do not have to give him cover by saying he said he was going to send them there; therefore, let us vote and give him the cover. We need to make the President understand it is a mistake. Maybe he will change

his mind. This is the chance we have, the only chance we will have. We must support them and provide a unified base of support to ensure their safe and expeditious return home, not like when I was in Vietnam and read about the protests. They have earned it. They are the best.

That is the sad, bitter irony of this whole debate. These are the best, the best of America that are going into harm's way. These are not criminals. They are not people who are dregs of society somewhere, castoffs, failures. These are the best. These are the people who go to the military academies, and I nominate them every year, as do all of my colleagues. These are the best that we are sending into harm's way, and they will have my support if they go, but I will be doggone if I am going to cave in because somebody made a commitment 2 years ago that was wrong, that will put them in harm's way.

Mr. President, in closing, just let me say, I pray that God watches over our men and women in this policy that I bitterly oppose, and I hope that my colleagues will rise to the occasion and send a very strong message, and that message is sent here in this Hutchison resolution because it says very clearly that we oppose you going, we oppose sending troops, Mr. President, but we will support them if you send them.

That is a responsible action, and I hope that the President will heed the debate here and change his mind before it is too late.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, I thank you very much.

I think it is very important on an issue of this magnitude that Members of the Senate take the time to outline why they have come to the conclusions they have. I serve as a member of the Armed Services Committee. We have had a number of hearings dealing with Bosnia. Like the Presiding Officer of the Senate who is currently in the chair, I have gone to Bosnia, to Sarajevo, and have seen the area.

At one of our recent Armed Services hearings, I referenced a Time magazine where it had on the front cover a photograph of a young soldier. There was a caption on the front of Time magazine, and the question was, "Is Bosnia Worth Dying For?"

So I referenced that and asked that question to the witnesses who were there who were advocating that they supported this decision. And they told me that we are beyond that question, that that is not the question today.

I do not believe that a lot of Americans, nor do I believe that a lot of American parents who have sons and daughters in the military, believe we are beyond that question. But in the discussion that took place at that Armed Services hearing, we were told the two vital interests that do require us to send our American military personnel to Bosnia are, No. 1, United States leadership, and, No. 2, European stability. Those were the two vital interests. It was not the question of whether Bosnia is worth dying for.

With regard to leadership, approximately 2 years ago, members of the Armed Services Committee sat down with counterparts of ours from other European parliaments. We met here in Washington, DC, and I remember asking specifically the question of our European counterparts, with regard to Bosnia, the conflict that is taking place there, is that a situation in which you feel the United States should take a leadership role? Are we supposed to go in there and resolve that? And I am paraphrasing, but they said no, that is our problem. That is in our European backyard. We, the European countries, must solve this problem, not the United States.

Then we saw how the United Nations policy began to be implemented. They placed the European peacekeepers in Bosnia. And as we watched, we saw routinely these peacekeepers being taken hostage. We saw these peacekeepers that were being handcuffed to potential target sites that bombing efforts might take out. But here were the peacekeepers handcuffed, held hostage. There was no peace that they were able to keep. Also, Mr. President, tragically, many of these peacekeepers watched as atrocities were inflicted upon different groups in Bosnia because the U.N. rules of engagement did not allow them to do anything else, so they watched these atrocities take place. This policy that was designed to resolve the problems of Bosnia was an absolute failure, a terrible failure.

Congress has been passing resolutions saying lift the arms embargo because one thing that Americans believe in is self-defense. Unfortunately, the effort of passing in both Houses the measure to lift the arms embargo was rejected by the White House.

The allies said, "Absolutely not. You must not lift the arms embargo because that could put our European peacekeepers in peril." Tell me, what greater peril could there be than what was happening to those peacekeepers? But the allies insisted that that would be a mistake to lift the arms embargo.

Just some months ago, Senator DOLE hosted a gathering of Senators with the Prime Minister of Bosnia. I remember very clearly the Prime Minister of Bosnia saying, "We don't want your boys to fight on our soil. We have boys to fight. What we need are weapons." And he said, "We can respect the United States taking a neutral position. We can respect that. But it is not neutral to deny us the weapons for our boys so that they can defend themselves and their families on our soil." But that is what the United States was doing. So much for neutrality. But the allies continued to say, no, no to lifting the arms embargo. So they stayed with a failed policy.

Here is the incredible leap of logic that I just have a hard time grasping. And that is that with this failed United Nations policy, as carried out by our allies, the same ones who said that it was their problem to solve, we are now told causes a real question of U.S. leadership. The failed policy in Bosnia is carried out by the allies, but now we are told it is a U.S. leadership dilemma.

Warren Christopher, the Secretary of State, in fact, said the placement of our troops into Bosnia is the acid test of U.S. leadership. Well, I have to question why we must put 20,000 troops into Bosnia to meet the acid test of U.S. leadership. If there is any question about U.S. leadership in the world, let me just discuss a few items that the United States is doing.

American forces are enforcing the no-fly zone and economic sanctions in the Balkans. American military personnel are enforcing the no-fly zone and economic sanctions against Saddam Hussein. The American troops are helping to restore democracy in Haiti. And 40,000 American troops are preserving peace on the Korean peninsula. Also, 100,000 American military personnel are in Europe fulfilling our commitments to NATO. America took the lead in negotiating the Bosnian peace agreement. And that is significant.

When I was in Bosnia, I saw Ambassador Holbrooke, and I saw his tireless efforts to bring about the settlement. We are the world's only military superpower. We are the world's largest economy. So how in the world does someone then, from this list, draw the conclusion that our placement of 20,000 troops into a piece of real estate called Bosnia is the acid test of United States leadership? And also how can anybody, after reviewing this type of list, which is simply a partial list, state that somehow we are advocating isolationism? This is not the list of isolationists.

Mr. President, we are told that the key to success of the mission is establishing military equilibrium. In other words, in order for us to ultimately complete the mission and return our troops home and the allies to go home, the Bosnians must have military equilibrium with Serbs and the Croats because even as late as today we are told that is the only way they can defend themselves and, if they are not allowed to defend themselves, then it will not work. That is what the administration said.

That is exactly what many of us have been saying for months, that if you do not allow the Bosnians to defend themselves, it will not work. That is why it has not worked. And now we are told that the key to success on this mission

is that we must have this rebuilding of the Bosnians. In other words, we need to lift the arms embargo.

Previously, our allies said no, you must not lift the arms embargo. But now apparently by paying the price of putting 20,000 American troops on the ground in Bosnia, now everybody says, this is the right way to go. Now we can achieve military equilibrium, which again is what we have been advocating for months in this body and in the body across the rotunda.

I fail to see why this proposed deployment is the acid test of United States leadership when you consider how we got here. We did not need to get to this point. There were other options, options such as lifting the arms embargo as passed by Congress.

With regard to the second point, on European stability, the argument there is that, if we were to allow this conflict in Bosnia to continue, it would spread, it may spread to Greece, it may spread to Turkey, and then we have vital United States interests, and, therefore, we must contain this conflict, we must not allow the fighting to go on; therefore, we are going to send an overwhelming force into Bosnia so there would be no fighting.

But ironically we are told, if fighting does break out again —and there is that possibility—then the United States will immediately leave and the NATO allies will immediately leave. So the very reason we are going in there is to make sure there is no fighting, but if fighting breaks out, we leave. If that is not a paradox.

I asked the administration if there would not be a great temptation in that instance, with an overwhelming force, if they would not feel compelled to snuff the conflict right then, because if that is the mission, you do not want this to spread, perhaps you need to snuff it right there. But, no, they would not do that.

Therefore, I think that shows you the flaw of this strategy. Instead of putting the troops in there that says, if there is a fight, we would immediately leave, we should have a containment strategy in the surrounding area so it cannot leave. You lift the arms embargo and you allow the Bosnians to defend themselves and, if it spreads, you have the borders and you stop it. We had options, Mr. President.

We are told also with regard to an exit strategy—I asked former Defense Secretary Schlesinger at a recent hearing in the Armed Services Committee, "Do you believe that we have an exit strategy?" And he said, "No. We have an exit hope." That has been the dilemma of so many of our actions that we have taken. We have not had an effective exit strategy.

When we talk about this, again, that the military equilibrium is a key to the exit strategy, with all of the different annexes that were developed in Dayton that have been initialed, which will soon be signed in Paris, volumes of written agreements between these warring factions, is it not ironic that that element dealing with the potential buildup of Bosnian arms is only verbal? It is not in writing. To me that is amazing, if that is the key to the mission and that is the only thing that is verbal.

Mr. President, I do not feel that on an issue like this there is any room for partisanship. I remember when I arrived here approximately 3 years ago, one of the very first pieces of legislation that I embraced and was proud to cosponsor was the legislation by Senator FEINGOLD, a member of the Democratic Party. I am a Republican. It did not bother me at all because he was right. And his legislation was to lift the arms embargo.

I felt passionately about that. I still do, and it was a bipartisan effort. It was passed in a bipartisan effort.

I believe in this current situation, Congress has been brought in too late. The commitment has been made. But I will just add, this Bosnian problem did not just happen when the new administration came into power. It had been there, and we had not dealt effectively with it.

I ask myself to cast my votes based upon what I think is the right thing for the country, the right thing for the troops and what sort of precedent I am establishing for myself in future votes of this nature.

Tonight, we had a meeting at the White House, eight Senators met with the President, Vice President, Secretary of State, Secretary of Defense, Chairman of the Joint Chiefs of Staff, the National Security Adviser, and I appreciate that invitation to have that sort of discussion in that sort of a setting so that we could ask the questions. But I will tell you, Mr. President, after approximately 1 hour and 20 minutes in that setting asking the questions, I came out convinced that we are following the wrong policy, we are following the wrong strategy. We did not exercise the options that I believe firmly we should have exercised and, in a funny, roundabout way, we are beginning now to try to implement those but we are going to put 20,000 troops in there to accomplish, in essence, the lifting of an arms embargo.

But with regard to this situation, like Senator SMITH stated, there will be no question, there will be no doubt about my support of the United States troops, the finest military personnel in the world. They are the finest, and we will do all that is necessary, in the event that they are sent to Bosnia, to make sure they have the equipment, to make sure they have whatever they need. In Somalia, we saw a problem because, for political reasons, they were not given the equipment they needed. That will not happen. We support our troops wherever. We support them.

I believe that the Dole-McCain amendment will be that perfecting resolution that says in the event the troops are sent, then there is going to be a list of reporting requirements to Congress so that we are not left out of milestones that must be met so that mission creep does not happen. I have not seen the final language of that because I believe it is still being worked on, but I believe that will be the intent.

I am a cosponsor of the Hutchison amendment because, Mr. President, the terrible dilemma that we are in is that the options that had merit were not exercised with our allies. And I underscore "with," because we must work with our allies. We have been through too much together for us to not work today and in the future with our allies. But we now find ourselves in the situation where a commitment has been made, and I respectfully and strongly disagree with that action.

With that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I want to share some additional thoughts with Members of the body with regard to the deployment of troops in Bosnia.

Some Members in their busy schedules may have missed articles that appeared in the New York Times and Washington Post, but for those who continue to probe this question and try and analyze whether or not this is a wise move, I wanted to share these quotes.

The first one is from the New York Times, December 3, 1995. It is a page-1 story. The headline is: "Foreign Islamic Fighters in Bosnia Pose Potential Threat for GI's."

The second paragraph reads:

"The American tanks do not frighten us," said a fighter, standing under a black flag covered with white Arabic script. "We came here to die in the service of Islam. This is our duty. No infidel force will tell us how to live or what to do. This is a Muslim country, which must be defended by Muslims. We are 400 men here, and we all pray that we will one day be martyrs."

The article continues:

They are even suspected in the shooting death last month of an American civilian employee of the United Nations.

I do not think it was widely covered in the United States, however, the week in which I visited Bosnia, specifically the day before I went up to Tuzla, an American had been killed.

The article continues:

The mujaheddin have also vowed to kill five British citizens in retaliation for the October 5 killing, by British United Nations

troops, of a mujaheddin fighter who pointed a loaded pistol at them.

Mr. President, I ask unanimous consent to have printed a copy of the article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 3, 1995]

FOREIGN ISLAMIC FIGHTERS IN BOSNIA POSE A POTENTIAL THREAT FOR G.I.'S

(By Chris Hedges)

PODBREZJE, BOSNIA AND HERZEGOVINA, Dec. 2.—On a bleak, wind-swept hilltop, bearded Arab soldiers, many in the traditional black garb of Afghan fighters, stomped their feet to ward off the bitter chill, shifted their automatic rifles and cursed the impending arrival of American soldiers.

"The American tanks do not frighten us," said a fighter, standing under a black flag covered with white Arabic script. "We came here to die in the service of Islam. This is our duty. No infidel force will tell us how to live or what to do. This is a Muslim country, which must be defended by Muslims. We are 400 men here, and we all pray we will one day be martyrs."

With the crease-fire in Bosnia, these militantly Islamic volunteers known as mujahedeen, who fought alongside Bosnian Government soldiers against Serbs and Croats for much of the war, have turned their attention to what they see as the other, often internal, enemies of the faith.

They are even suspected in the shooting death last month of an American civilian employee of the United Nations.

Many of these 3,000 to 4,000 men are veterans of the war in Afghanistan and are often wanted in their own countries, linked to violent Islamic groups struggling to overthrow the Governments in Egypt, Algeria, Saudi Arabia and Yemen. In their zeal to enforce a militant form of Islam that most Bosnian Muslims themselves do not espouse, the fighters, distinctive in their flowing black beards, force United Nations vehicles off the road, smash bottles of alcohol in shop windows and warn Christian families at gunpoint to leave Bosnia.

The mujahedeen have also vowed to kill five British citizens in retaliation for the Oct. 5 killing, by British United Nations troops, of a mujahedeen fighter who pointed a loaded pistol at them.

The killing of the fighter, a Bosnian Muslim named Elvedin Hodzio who had joined the majahedeen, is the kind of event United Nations officials say could easily trigger violent clashes between the Islamic militants and American troops. The British are now locked in a war of nerves with the mujahedeen troops.

Five days after the shooting, a rocket-propelled grenade was fired at a United Nations military observer team along a mountain road. The team's armored car was destroyed, but those inside escaped with slight wounds. Two weeks later a British United Nations patrol in the town of Zavidovici was surrounded by about two dozen heavily armed mujahedeen who threatened to kill the soldiers until Bosnian Government troops intervened.

On Nov. 18, William Jefferson, a native of Camden, N.J., employed by the United Nations, was found shot twice in the head near Banovici. United Nations officials strongly suspect that he was killed by the mujahedeen, who may have mistaken him for a British citizen.

Most British aid workers, whose homes have been attacked and spray-painted with Arabic slogans, have left Zenica. The few who remain ride in unmarked convoys, change their routes and never go out at night. And the British Overseas Development Administration office in Zenica has placed armed guards out front and removed its signs.

"This is worse psychologically than the shelling," said Fred Yallop, the administration director.

The clash with the British has also pointed out to many aid workers the strength of the mujahedeen and the weakness of the local authorities.

"The problem," a senior United Nations official said, "is that the local authorities have no control over the mujahedeen. The mujahedeen are protected by the Bosnian Government. They operate with total impunity. We do not know who controls them, perhaps no one."

Many mujahedeen fighters carry Bosnian identity cards and passports, although they often do not speak the language. And Western aid workers who report the frequent theft of jeeps and vehicles by mujahedeen troops say the Bosnian police are powerless to enter their camps to retrieve the vehicles.

"We see them drive by in vehicles that were stolen from international organizations and the U.N.," said a British aid worker, who insisted on remaining unidentified.

The mujahedeen here are based in a four-story yellow building that was once a factory in the village of Podbrezje, three miles north of Zenica, in what would be the American sector of Bosnia, and they are among the Muslim volunteers who came to Bosnia shortly after the war started in 1992. The fighters are revered in the Arab world, and videotapes that extol their bravery and dedication are sold on street corners from Aden to Cairo.

The mujahedeen served as shock troops for the Bosnian Army and have suffered severe casualties in frontal assaults on Serbian and Croatian positions. All view the West, despite the scheduled deployment of some 60,000 NATO-led troops, as an enemy of the faith they have vowed to give their lives defending.

"The American soldiers will be just like the U.N. soldiers," said a fighter wearing green combat fatigues and speaking in heavily accented Persian Gulf Arabic. "They will corrupt the Muslims here, bring in drugs and prostitution. They will destroy all the work we have done to bring the Bosnians back to true Islam. The Americans are wrong if they think we will stand by and watch them do this."

The Bosnian-Croat Catholics who live near this mujahedeen camp, one of about 10 in Bosnia, have suffered some of the worst harassment. Many have been beaten by mujahedeen fighters and robbed at gunpoint. More than half of the Catholic families in this village have been driven from their homes. When they flee, their houses are promptly seized by the Islamic militiamen.

Jazo Milanovic and his wife, Ivka, sat huddled by their wood stove one recent evening waiting for the police. At the house of their next-door neighbor, mujahedeen fighters were carting out household items. The fighters would finish their looting before the police arrived.

"They walk in and take what they want," the 68-year-old farmer said, "and the one time I protested to them they fired a burst over my head. The bullet holes are still in the wall. We will all be forced out soon."

But it is not just the mujahedeen who have gained a foothold in Bosnia. There are at least 10 Islamic charities in Zenica, including one run by the Iranian Government, that many Western governments view with deep suspicion. The charities have budgets in the tens of millions of dollars and work to build militant grass-roots organizations in Bosnia.

Human Relief International, an Egyptian foundation that is outlawed in Egypt, is one such group.

The 40 Egyptians who work for the charity in Bosnia are all wanted in Egypt on terrorism charges. Western diplomats and United Nations officials say the charities, along with the mujahedeen, have combined to create a powerful militant Islamic force in Bosnia that could be inimical to American interests here.

"We are all code red," said Airman Elhamalaway, who works for the Egyptian charity. "If we ever go back to Egypt, which we will not, our names come up bright red on a computer so the police know we should be immediately arrested."

Mr. BROWN. Mr. President, the point of the article, and the reason I share it with Members, is simply to make a clear point. This is not a benign action. This is an area where there are serious problems that have not been resolved by the peace agreement and where there are forces that can inflict harm on American troops.

I understand and appreciate American troops are willing to face dangers, face combat, but it would be foolish for any Member of this Senate to think that we are sending people into an area that has been cleared of danger because of the peace agreement.

Mr. President, I also ask unanimous consent to have printed in the RECORD a similar article from the Washington Post dated November 30.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 30, 1995]

FOREIGN MUSLIMS FIGHTING IN BOSNIA CONSIDERED "THREAT" TO U.S. TROOPS

(By Dana Priest)

The Pentagon is seriously concerned about the threat posed to American peacekeeping troops in Bosnia by several hundred Islamic fighters who come from outside the country but are based in the Bosnian region that the U.S. military will control, officials said yesterday.

While land mines, bad roads, soupy weather and disgruntled rogue paramilitary groups also are listed as likely hazards for western troops, it is the freelance groups of religious zealots that particularly worry military planners.

U.S. officials called the non-Bosnian Muslim fighters "hard-core terrorists." Some U.S. officials said they believe some of those Muslims were the ones who killed an American civilian working for the United Nations on Nov. 19 in the northern city of Tuzla, where the U.S. headquarters is to be based. The investigation is continuing.

"Many [of the Muslims] are very brave fighters," one Defense Department analyst said. "They have taken large casualties. They have taken on some important operations and are willing to take some tough action."

They are, in short, the men willing to drive car bombs and take part in other suicide attacks against western soldiers. Worse, there

is no obvious way to make them leave the region.

Defense officials estimate that throughout Bosnia, there are "a couple thousand" fighters from Islamic countries—including Algeria, Iran, Saudi Arabia, Afghanistan, Libya, Pakistan and Egypt—who have fought with the army of the Muslim-led Bosnian government against separatist Serbs.

Many of the foreign Muslims are based around Tuzla, which is to become the headquarters for "Sector North" of the NATO-led operation, the area to be controlled by American troops. Many also operate from three towns to the north of Zenica, which is likely to define the southern border of the U.S. sector.

The foreign Muslim groups usually carry small arms and antitank weapons. Some, like the Iranians, are organized into their own brigades. Others have been blended into the regular armed forces and paramilitary groups.

Within the last several weeks, non-Bosnian Islamic troops have stepped up attacks on western troops and civilians. They fired a rocket-propelled grenade at one U.N. vehicle and attacked several others with small arms fire.

Also recently British soldiers who are part of the U.N. peacekeeping mission killed a member of one Islamic group, who they said pulled a pistol on them. Shortly afterward, the group retaliated by killing American civilian worker William Jefferson, 43 of Camden, N.J., whom they mistook for a Briton because he spoke with an accent, defense analysts said. The Bosnian government told United Nations officials it had captured and killed the three Islamic soldiers involved.

Although the Dayton accord calls for all foreign fighters, including mercenaries and trainers, to leave Bosnia, defense officials acknowledge that they have little hope that any of the parties can, or are willing, to persuade the Islamic groups to leave. The Bosnian government has given them tacit approval to operate in its territory because they are good fighters and have helped it win battles.

"There are certain elements of the Bosnian government who don't want to separate themselves from these particular elements," said the defense analyst, who spoke on the condition he not be named. "They will find a way of hiding these elements, to merge them into" the regular armed forces.

A civilian who has worked with the Bosnian government said the United States is trying to "put some heat" on Turkey, Saudi Arabia and other countries with some financial influence over the groups, to make them leave. "These guys are mean," he said. "You've got to control them."

Mr. BROWN. Mr. President, I want to share with Members a concern that I had early on when we began to deploy U.S. forces into Bosnia by the way of aircraft. I was concerned about the ground rules and the rules of engagement with regard to aircraft. I specifically raised with the administration a series of questions as to what we would do if Americans were attacked while they were performing routine air patrols. Frankly, my concern was that we would end up duplicating what happened in Vietnam. Because our actions in Vietnam is relevant, let me summarize that briefly.

U.S. troops were deployed in Vietnam but not given the rules of engagement that allowed them to quickly respond. If a forward air patrol spotted enemy troops on the ground no action against those troops could be taken unless you had been fired on. They could be carrying in supplies or ammunition that would be used against our troops. I recall one particular unit was carrying the North Vietnamese flag. That was not enough to allow engagement of combat or use of airstrikes and naval gunfire in the coastal regions.

What was required was for the air patrol plane to fly low enough so the troops were attempting to fire on you. Once the troops fired on you, then you were allowed to call in an airstrike.

That airstrike called for approval by a variety of commands before a response could be made.

The quickest I ever had a response that allowed action was 2 hours. One time it was over a day before we got a response. In the north, when our fliers went on missions, we had the Pentagon schedule the majority of those flights, and they dictated the road of ingress and the path of egress, and dictated the flight level at which you could come in. If you did not finish a target, you would go back into the cycle for retargeting, done in Washington, not in the field. Generally, the Vietnamese knew how long that cycle took and they knew when you would be coming back, they knew the altitude you would be coming in at, the altitude you would be addressing at, the course you would be taking into the target, and the course you would take away from the target. Mr. President, we set our people up for turkey shoots.

So I thought it was a legitimate question to ask specifically what the rules of engagement for our missions into Bosnia would be. As Members will recall, in Vietnam we ruled out of order some of the best targets. I know of Secretary McNamara's book. I read it. He goes to great length to talk about all the targets he allowed. He left out that the most important targets were ruled off limits. I thought a legitimate question was, if we were attacked by forces from Serbia, would we retaliate against the supply depots, against the bridges, or against the forces that originated the attacks or supported the attacks on the American troops? That is what I asked in the report.

This was a series of discussions on October 5, 1993, before the U.S. planes were shot down.

Senator BROWN. Can you assure me that if our troops are fired on, they will have the right to return fire?

Ambassador Oxman. Yes. The rules of engagement would permit self-defense.

Senator BROWN. We would be able to bomb supply bases of troops that attacked our troops?

Ambassador Oxman. Senator, I think I would not go further than to say there would be rules of engagement which would permit NATO forces to defend themselves and carry out the mission.

Senator BROWN. Let me be specific. In Vietnam, key bridges were put off limits, bridges that carried troops and vital supplies to the North Vietnamese troops. They used those supplies to attack American troops, and yet these key bridges were put off limits, and our planes were not permitted to attack some of the most valuable targets of the enemy. Can you assure me that that will not be the policy if we send troops to Bosnia?

I found it difficult to get an answer, other than "they would have the necessary rules of engagement to defend themselves in order to carry out that agreement."

Mr. President, we have experience in Bosnia already. We detected ground-to-air missiles, SAM missiles. We detected the radar that was following our planes. We knew the locations of Serbian missiles. The U.S. intelligence knew that. We publicly have acknowledged that the Serbs had missiles that were ground-to-air missiles they could use to shoot down our planes. We knew they were in the locations where our flights were going. We had detected the radar from those units, and we still ordered our planes to fly the missions, and one of our planes was shot down. We are all aware of that.

But perhaps what some Members have forgotten is what we did in retaliation. My concern had been, in the October 1993 hearing, that we would not respond, that we would give a message that Americans are a punching bag and will not punch back. For those Members who have forgotten, let me review what happened.

They shot down our plane, even though we knew the missiles were there and did not cancel the mission. We did not go after the missiles. We did not go after the installation. After the plane was shot down, we did not go after those locations. We did not bomb the bridges that brought those missiles to the front. We did not bomb the supply depots where they came from.

Mr. President, what we did when they shot down our plane was nothing. Now, can you come up with reasons for not doing anything? Of course you can. But what I want to call to mind for the Members is this: What kind of message do you think that sends to people who would attack American forces? Does it encourage them to attack us, thinking we will not fight back? What kind of message does it send to the parents of Americans who might die in combat to know that we do not even care enough about our troops to defend them and retaliate when they are attacked?

Mr. President, I think the administration was remiss in, one, not making sure that we moved against installations that would fire SAM missiles against us and, two, when it happened, not following up and retaliating against those who did. What you have, in my belief, is a callous disregard for those who wear the uniform of the United States. They deserve to be defended and protected and stood by. It is

a mistake for us to put them into combat unless we are willing to stand with them, and that is part of the problem of this mission. It is not speculation; it is what happened in Bosnia already by this administration—Americans were fired on, and the plane was shot down, and we turned our back on those who wear our uniform in terms of protecting or defending them.

Mr. President, I want to follow up. First, I want to pay tribute to the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff. I have made an effort to get all the information I could about this mission, and they have been, frankly, quite helpful in responding. They have taken a great deal of their time to not only try and respond to the questions, but to be helpful in providing information. I think that is to their credit. I have great respect for all three of them.

I want to share with the Senate, specifically, a question and an answer that I had asked because I think it goes to the very heart of this issue of when we stand by our troops when they are in the field.

This was submitted to Secretary of State Warren Christopher on October 17. I received the answer today.

Question:

If we receive information that attacks in violation of the peace agreement by Bosnian Serbs have received the full support of the Serbian government in Belgrade, will we retaliate against Belgrade?

I think that is a reasonable question. If we know they have been involved in attacks against our troops, will we retaliate against Belgrade, or put them off limits like they did in Vietnam?

A. Will strikes into Serbia or Croatia, should they violate the terms of the peace agreement, be considered off-limits if the safety of American troops is jeopardized?

B. Will our rules of engagement include the authority to take actions to cut off supply lines from Serbia itself?

C. Will strikes into Serbia or Croatia, if necessary to ensure the protection of American troops, be authorized?

That is pretty specific. If they attack us, will we go after those who attacked us?

The response is:

* * * IFOR will have complete freedom of movement throughout Bosnia.

That is helpful. It does not respond to the question, but I think it is helpful.

But let me share the response to the more specific aspects:

IFOR commanders will operate under procedures and rules of engagement that allow them great flexibility in determining the proper response to a violation of the agreement or a threat to IFOR. This would help ensure that violations are dealt with effectively and further violations deterred.

It goes on in the concluding paragraph, specifically, with regard to my questions as to whether we will go after them if they attack our troops. This is the Secretary of State:

I cannot speculate now on what the U.S. would or would not do against Serbia or Croatia if it were determined that violations of peace accord were supported from outside Bosnia and Herzegovina. Such decisions would be made based on the particulars of the situation.

Mr. President, I want to submit that entire question and response so the record is complete.

I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTION FOR THE RECORD SUBMITTED TO SECRETARY OF STATE WARREN CHRISTOPHER BY SENATOR HANK BROWN, COMMITTEE ON FOREIGN RELATIONS

Question. 5. If we receive information that attacks in violation of the peace agreement by Bosnian Serbs have received the full support of the Serbian (Yugoslav) government in Belgrade, will we retaliate against Belgrade?

a. Will strikes into Serbia or Croatia, should they violate the terms of the peace agreement, be considered off-limits if the safety of American troops is jeopardized?

b. Will our Rules of Engagement include the authority to take actions to cut off supply lines from Serbia itself?

c. Will strikes into Serbia or Croatia, if necessary to ensure the protection of American troops, be authorized?

Answer. As specified very clearly in the Dayton agreement, IFOR's mission is to implement the military aspects of that agreement: enforcing the cessation of hostilities, withdrawal to agreed lines, and creation of a zone of separation; and overseeing the return of troops and weapons to cantonments. The forces, their training, their equipment, and their Rules of Engagement (ROE) are geared to these missions. IFOR will have complete freedom of movement throughout Bosnia. This mission will be even-handed. It is important to keep in mind that the parties themselves bear primary responsibility for achieving the peace in Bosnia which they themselves sought, initialled in Dayton on November 21, and will sign in Paris on December 14.

IFOR commanders will operate under procedures and rules of engagement that allow them great flexibility in determining the proper response to a violation of the agreement or a threat to IFOR. This would help ensure that violations are dealt with effectively and further violations deterred. IFOR's ROE authorize the use of force, up to and including deadly force, to ensure its own safety and fulfillment of its mission.

Obviously, IFOR's mandate and mission focus on Bosnia and Hercegovina. I cannot speculate now on what the United States would or would not do against Serbia or Croatia if it were determined that violations of the peace accord were supported from outside Bosnia and Hercegovina. Such decisions would be made based on the particulars of the situation.

Mr. BROWN. Mr. President, the reason I quote that is because I am concerned about it. I am concerned that, once again, this country will send troops into harm's way and then turn their back on them. Mr. President, I submit this response of the Secretary of State as some indication of what may happen. It is not just the experience we had with the shot down pilot where we did not respond when they shot him down, and we did not go after the surface-to-air missile emplacement—even at the start, they were unwilling to give us a commitment that if Serbia attacks our troops we will go after them.

Mr. President, I believe part of this depends on what Serbs think we will do. If they think if they attack our troops we will ignore it, they will be tempted to take a different course of action than if they know we will respond if they attack us. I think this invites attacks. I think the vagueness of our commitment invites attacks on our troops.

Mr. President, I respect the Secretary of State—and I understand how he does not want to be pinned down—but I respectfully suggest, Mr. President, that this is the problem, a willingness to commit troops, and ask them to make the final commitment, in Abraham Lincoln's words "without our willingness to stand beside them."

In my book, if you are going to be true to those troops, if you commit them to combat and somebody goes after them, we have an obligation to defend them and to go after whoever attacked them. There should be no doubt about it. That is part of what is wrong with this mission, an unwillingness to stand squarely beside young men and women we put in harm's way.

There is one last aspect I want to mention before closing. I heard some very conscientious, intelligent Members who I have enormous respect for come to this floor and say,

We think it is a mistake to send troops to Bosnia but the Commander in Chief has made the decision and it is not our role to prohibit him acting as Commander in Chief in dispatching troops.

They may have said it in a different way, but in its essence it boils down to that—a deference to the President in this regard. The doubt or concern about the decision the President made but a deferring to the President in terms of the matter of deploying the troops into Bosnia.

Mr. President, I most sincerely have a different view of the American Constitution and frankly of the logic of the governmental process. I do not know how any scholar can read the proceedings of the Constitutional Convention, can understand the struggle for independence that this Nation went through, can understand the cases that have come down from the Supreme Court, and not come to the conclusion that the essence of the American experience in constitutional government is checks and balances.

The Founders believed in and perfected the system of checks and balances as effectively as anyone has in the history of the world, and there have been a lot of attempts. To look at the American experience and assume

the President has unlimited authority to commit our troops to combat situations and Congress' only job is to simply go along is to misunderstand the effect of our Constitution.

I believe it is quite clear that Congress has a role to play. Tomorrow we will play that role as we vote. But none of us should be under the impression that the Constitution allows us to duck our responsibility. The truth is, a declaration of war comes from Congress, and the ability to control the purse strings comes from Congress.

If we turn our back on our responsibilities under the Constitution we will be just as responsible for this unfolding tragedy as the misguided President who brought it about.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

Mr. COHEN. I listened with interest to the presentation of the Senator from Colorado who is now occupying the chair. He delivered it with great passion. That passion stems from his experience of having been in the fields of Vietnam and having witnessed the kind of policy that we pursued there—in leaving, in many cases, our troops without either the military or moral support that they deserved.

He spoke with great eloquence and passion, and I think his words should be given serious consideration by all of our colleagues as we deliberate and debate this issue tonight, tomorrow, and beyond.

If you watch the evening newscasts, it is very clear our troops are heading into Bosnia as we speak. The anchormen are there cataloging the various vehicles that are rolling by, the numbers of troops, the feelings and sentiments of the men and women who are being sent, the reaction on the part of the citizens that they are being sent to help defend. And various commentaries being offered by military leaders who have served in the past as part of the U.N. force.

It is interesting to get their different perspectives in terms of both the mission and how long it might be before we complete that mission. So our troops are in Bosnia, and we have to ask the questions: How did they get there? What will they do there? When will they leave? How will we ever measure their success?

I think it is fairly clear that the road to Bosnia has been paved with good intentions and poor judgment. The road has been littered with mistakes. We can point to those in the past. I say that the early recognition on the part of a united Germany of Croatia was one of those initial mistakes. I think the new united Germany at that time was feeling its power, its diplomatic initiative, and that prodded a number of countries to follow suit too quickly in recognizing Bosnia-Herzegovina.

The West fell in line to applaud its—the Germans—diplomatic initiative.

When predictable war broke out, the Europeans, who were steeped in Balkan history, said it is a local issue. It is really not our problem. It is a domestic civil war. These tribes as such, these factions, have been making war for centuries. We are not going in.

So the United States was not about to intervene where Europeans feared to tread. If we had any inclination to do so, if the Bush administration had any predisposition to going in to helping solve that particular war, it was discouraged from doing so by domestic politics.

After all, President Bush had come off of a major victory in the Persian Gulf. He was riding very high in the polls at that time but the charges were he was too interested in foreign affairs, he had neglected domestic issues. The Nation was suffering, and therefore he should turn his gaze away from world affairs and concentrate on domestic issues.

So if there were any inclination, and I am not sure there was at the time, but if there were any inclination on President Bush's part to intervene in any significant way in that war, he was discouraged from doing so.

UNPROFOR, the U.N. peacekeeping force was sent in. I have spoken on this floor on a number of occasions, written articles for the Washington Post and other publications, suggesting—no, not suggesting, but declaiming, that it was an inappropriate mission for U.N. forces to send blue helmets into that region. It was inappropriate to send these brave, heroic people wearing blue helmets and flak jackets and carrying very light weapons into a region that was so mired in conflict at that time. It was an inappropriate mission for them to perform. It was a "Mission Impossible," in many ways, for them to perform. But those soldiers performed that mission as well as they could, given their circumstances. But they were put directly in the midst of an ongoing war and asked to keep the peace.

They were attacked without retaliation. They were taken hostage. They were humiliated by the warring factions who demanded that they pay tribute, that they give up half of their fuel, half of their food, half of their weapons, whatever it was, to gain access to the starving population that they were sent to help feed and clothe. They were tied to weapons storage sites to prevent any kind of attack by the United States or Western allies.

We had the anomalous situation—and the presiding officer, Senator BROWN, touched upon this—we had the anomalous situation of the military leaders on the ground saying, "Please send in the cavalry, send in air support, attack the people who are attacking us." But, of course, the planes did not come and the relief did not come because they received some hot air excuses from U.N. diplomats who held the keys to the weapons. It was a so-called dual-key arrangement, which amounted to dual nonsense to those on the ground.

So, we watched the situation unfold with heroic blue helmeted soldiers carrying out their mission as best they could, as atrocity was piled on atrocity, until we could no longer stand it.

The final blow came when the artillery shell was launched into Sarajevo, killing 69 innocent people and wounding some 200 others. We continued to watch the evil of ethnic cleansing, and all the while the world stood by, praying for peace while the innocents were slaughtered.

There were some in this Chamber, I point specifically to Senator DOLE, the majority leader, who said we should lift the embargo, multilaterally if possible, unilaterally if necessary, and strike, if necessary, in order to prevent the Serbs, at that particular time, from continuing their assault upon safe havens, so-called safe havens. Lift the embargo and strike, or simply lift the embargo and let them fight. And on each occasion he was rejected.

The administration said no, you cannot do this and you should not do this. Our allies have said no. The President has said no. The United Nations has said no, it would endanger the UNPROFOR forces who are on the ground. By the way, United States, you do not have any forces on the ground so do not be so quick to lift, or to lift and strike. It would endanger the UNPROFOR forces, and it would lead to more slaughter. And if we should act unilaterally, then NATO would dissolve, the U.N. forces who were there would leave, the United States would no longer have any credibility, and we would endanger the other embargoes that exist on Iraq and other countries who have engaged in, certainly, unfriendly behavior.

So, under the threat that we would endanger NATO, that NATO would dissolve, nothing was done. The slaughter continued and the regions were cleansed of their undesirables.

Last spring, President Clinton made a pledge to commit up to 20,000, perhaps as many as 25,000 troops to aid the extraction of U.N. forces, if it became necessary. That really was a shot across the Senate's bow at that time, saying, "If you are going to insist on lifting the embargo over the objection of the President, over the objection of our allies, over the objection of the United Nations, then I am making a commitment as Commander in Chief. I will commit 20,000 American troops,

ground forces, to help extricate the U.N. forces from that situation."

That was a pledge he made publicly. I think, perhaps to his surprise, President DOLE—strike that for the moment—Senator DOLE said, "I agree. If we have to get U.N. peacekeepers out of there in order to allow the Bosnian Moslems to defend themselves, that is a decision we will support."

But that was the marker that was laid down. We are going to commit U.S. forces on the ground in order to extricate the peacekeepers in the event the United States unilaterally decided to lift the embargo or our allies decided the United States was no longer interested in pursuing a multilateral approach and therefore said, "We are getting out." We would help get them out.

So, Congress retreated. We retreated on that issue. We waited. We delayed. We debated. We did nothing, until finally we saw one atrocity too many. We would strike, and we did strike, but we would not lift. And we saw an immediate reaction once we decided to apply air power. The President sent off his chief negotiator, Secretary Holbrooke, to then hammer out a truce.

Again, we hesitated. All of us in this Chamber and the other Chamber as well, we hesitated. "Don't interfere with the President. He conducts foreign policy. Don't cut his legs off with a preemptive vote of disapproval. Allow him to conduct this effort." And we backed away. Once again, we deferred.

We deferred because, No. 1, we assumed, or at least thought, perhaps the negotiations will fail on their own weight. Perhaps the negotiations will be unsuccessful. So why should we take action at this point on a preemptive basis to say, no matter what you arrive at in the way of negotiation, we disapprove your sending American troops to help keep that truce? So we did nothing at that time.

Also, we should be very candid about it, if we had taken so-called preemptive action to assert our constitutional authority, our control over the purse strings, saying, "No funds appropriated under this account may be expended for the deployment of ground forces in Bosnia," and the negotiations then failed, Congress did not want to accept the blame for it. So we backed away and we waited.

Now, I mention this all by way of a preface to the debate over constitutional power. Who has it? Does the President have the undiluted, unilateral power to send troops to Bosnia, or does Congress have the power? That is a debate that cannot be resolved and will not be resolved during the course of this particular discussion.

Who has the power depends upon who lays claim to it, who takes possession of it, who runs with it. I know the Senator from Colorado is an attorney, skilled in tax law and real estate law and may recall from law school days that possession is 90 percent of ownership. Who takes possession of the power and runs with it really determines who has it, ultimately.

The fact is, Congress has yielded its powers to the Executive over the years. "Don't vote to strike. Don't vote to lift. Don't vote to disapprove before the negotiations. Don't vote to disapprove after the negotiations." Much of what we say and do really does not matter at all, does it? Because the President has said, "I really am not too concerned about whether you approve or disapprove, because I am going anyway. The troops are going in anyway." Even if the House and the Senate were to vote overwhelmingly to disapprove the sending of American troops to Bosnia, the President has already indicated they are going in any event. "It is my prerogative. It is my power. I am going to keep the commitment I made to the NATO allies and I don't really"—

He cares, of course; I am oversimplifying. He cares, but not enough to say that he would abide by the decision.

As a matter of fact, during hearings in the Armed Services Committee last week, the Secretary of Defense, Secretary Holbrooke, and the Chairman of the Joint Chiefs of Staff, were there to testify, and they were very candid about it. I specifically asked the question: In the event that Congress should pass a resolution disapproving the sending of American forces into Bosnia, the President does not intend to be bound by that decision, does he?

And the answer was a very clear, "No."

The next question that follows onto that, of course, is, well, what if Congress fashions a resolution that imposes certain conditions, or seeks to define the mission with greater clarity to remove some of the confusion and the ambiguities that exist in the documents that were signed and negotiated in Dayton? Would the President in any way feel constrained by those conditions? And, of course, ultimately the answer is no. Secretary Perry was very clear, very direct. If he felt that any resolution passed by the Congress in any way posed a danger to our troops, he obviously would recommend to the President that he not abide by it. We got into something of a semantic dual with the Administration witnesses saying they will not ignore it, but they certainly will not abide by it.

So this entire debate on what we are going to pass in the way of a resolution has no ultimate, no practical, consequence in terms of preventing the troops from going there. More will be going shortly this week.

So, Mr. President, I raise these issues this evening because it is in stark contrast to what took place back during the debate on the Persian Gulf war. I have a whole sheath of notes. I was going to quote from speeches that were made at that time by my colleagues on the other side. That might seem to be a bit unfair, hitting below the intellectual belt on the eve of a vote. But I sat this afternoon reading through their statements, and I was struck by the passion with which they were delivered, by the intensity of the charges that were made at the time should President Bush ever neglect to come to Congress to get its approval. Some suggested he would be impeached, or should be impeached.

In all candor, President Bush was not eager to come to the Congress. I recall on at least two, possibly three, occasions going to the White House with a group of Senators and Congressmen standing up in the East Room, and urging the President to come to Congress to get our approval. The President's advisers at that time said, "He really does not need your approval. He has approval from the United Nations." I do not know how many of us have sworn allegiance to the U.N.

But we, over a period of time, were able to persuade him that it was important. I think from a constitutional point of view he had the obligation to come to get our approval. But even from a political point of view, it was an imperative that he come and get our approval because you should never send American forces into war, or into the danger of a war zone in which they might be forced into war, without the solid support of the American people. And, if you put our troops in such a dangerous position, if you send them off to war without the broad support of Congress—after all, we reflect the views of our constituents—without that broad consensus, then you can anticipate what will happen.

When people start to die, when they start to be flown back to Dover in their flag-draped coffins, CNN cameras will be there to capture that. And the hearts that beat so loudly and enthusiastically to do something to intervene in areas where there is not an immediate threat to our vital interests, when those hearts that had beaten so loudly see the coffins, then they switch, and they say: "What are we doing there? Why are our young men and women dying in that region?" And the President at that time needs to have the support of the Congress to say, no, once we commit our troops to a region, we have to stand behind them. And the worst thing you can do to American credibility—once you send them into battle and the casualties start to mount—is to leave, to quit and leave before the mission is completed. That will do more to undermine America's credibility as a world power, as a superpower, as a reliable ally, than anything we could possibly do.

So that is the reason it is important, it is critical, for a President to build

the support for the deployment prior to making the decision—not the inverse, not putting the troops there first and then coming back and getting support. You have to build the support, give the reasons, persuade the American people that it is our solemn duty and responsibility to take action. And when people start dying, when sons and daughters start dying, we are still going to carry through on the mission. If he does not do that, then he is going to be naked unto his enemies, because the fact of the matter is, unless you have Congress on record in support of such action, when the public turns Congress will be in full pursuit. And that will not bring credit to this institution. It will not bring credit to the United States.

That is why I urged at that time President Bush to come to the Congress. He did so, and he was able by a very thin margin to persuade the Senate and the House—a larger margin in the House but a very thin margin here in the Senate—that it was in our national security interest to see to it that Saddam Hussein did not remain in Kuwait, and that he did not stand astride the oil fields of the Middle East and threaten to go all the way to Riyadh in Saudi Arabia.

We talked about the implications of a tyrant, a dictator of his magnitude, standing astride the oil fields and what it would mean to international stability. We talked about his having biological weapons, chemical weapons, and, yes, even a nuclear capability and the possibility of developing intercontinental ballistic missiles, ICBM's. And still we were only able to persuade a few Members on the other side that it was important that he be removed from Kuwait by force.

I mention all of that tonight because the mood has changed, and the rhetoric has changed. Suddenly we see a support coming forth for the President of the United States on a bipartisan basis thanks to the leadership of Senator DOLE, Senator LIEBERMAN, and others—Senator MCCAIN. It was not a bipartisanship that was shared during the Persian Gulf war even though there was a much greater identifiable national security interest there than there is in Bosnia. This is much closer to a humanitarian interest and a potential national security interest. But it is hardly of the magnitude and the immediacy as posed by the Persian Gulf war.

So what do we do at this point? They are over there. More will be there later this week. What we have to do is to lend our support to the troops. We are not going to undercut them at this point as they are going into a very dangerous mission. We intend to support them but to do so in a way that makes it clear why they are going, what they will do, and when they and we will know that it is time to come home.

So we talk about exit strategies—code word, "exit strategy." Basically it means defining what the mission is; defining the mission so you can measure success, so you can say at the end of their tour of duty that the commitment they made was exactly worth the price they are being asked to pay in order to achieve a certain identifiable goal.

There is some confusion about this. And that is why this debate is important. That is why it is important that we pass a resolution being as definitive as we can, even if the President is going to ignore it. Whatever we say, it is important that we try to define what we believe the application is, and should be.

Secretary Warren Christopher made a statement while in Dayton, and he indicated—at least to me the statement indicated—that the mission was to "assure the continuity of the single state of Bosnia-Herzegovina, with effective federal institutions and full respect of its sovereignty by its neighbors." Mr. President, no such state has ever existed. What he was saying is that we are about to build a nation upon the ashes of a failed nation. No such nation ever existed for any period of time. Almost simultaneous with its recognition as a separate state, war broke out. There has been no single separate state with effective federal institutions whose sovereignty is respected by all neighbors on all sides.

So is this going to be our mission? We raise this issue. The answer is no. That is not our mission.

That is nation building, but nation building is not something we are supposed to be sending our troops to do. So there is to be no nation building. That apparently is clear. There will be no resettlement of refugees under the aegis of American Forces. That is not going to be our task. There will be no organization or monitoring of elections. That is not our task.

In fact, there will be no hunt for war criminals. You may recall that President Clinton indicated he thought those who have been charged with committing atrocities should be brought to justice. In fact, he declared they would be brought to justice—Karadzic, Mladic, to name two. Are we going to hunt them down? Well, not exactly. If they happen to wander into the area of Tuzla or the areas that we will be patrolling, if we happen to stumble across them in that region, then obviously we can grab and apprehend them and bring them to justice. But that is not going to be our mission. We are not going to hunt down war criminals. And so that also has to be excluded as part of the mission of our young men and women.

There are side agreements, annexes, which have caused me some concern and some need to seek clarification. Apparently a part of our effort, contained in Annex 1–B, has to do with something called build-down. We are going to seek an arms build-down in the region.

Now, I have taken issue with this publicly because it is a complete misuse of the term "build-down." Build-down was a phrase that was coined back in 1983 referring to a proposal Senator NUNN and I developed. Beginning with an article I wrote for The Washington Post January, 1983, that talked about how we could force reductions in nuclear forces as we modernized them to make them more survivable, more mobile. We needed to have a more stable relationship with the Soviet Union, and therefore we wanted to get rid of these fixed, big targets that they had and we had. And one way to do that was to have more mobility and fewer numbers, and so we formulated a concept saying, for every one new missile we put into our inventory, we take two old ones out. And that is where the phrase "build-down" came from.

Well, we are not really seeking to put new modern weapons into the region and build them down on a 2-for-1 basis. That is the phrase that has been used. We will use it for convenience sake, but it has no relationship to the actual reality of what we are seeking to do. What we are seeking to do is have the parties in the region reduce their arms.

Now, if you or I, Mr. President, were negotiating an arms control treaty with any of the parties involved that directly affected our security, we would never sign this agreement. We would be run out of office on a rail were we to sign such an agreement, because in essence it relies not upon verification, not upon independent assessments but upon the declarations of the parties. We are going to rely upon the Serbs to tell us how many weapons they have and where they are, and the Croatians and the Moslems, all to make a good-faith statement of the weapons they have in their inventory, and then we will see if we cannot help to negotiate a relative builddown, arms reduction to equal or semi-equal levels.

We have asked people in the business of making these kinds of judgments—former Secretary of Defense James Schlesinger, former National Security Council Adviser Brent Scowcroft, former Defense Under Secretary Paul Wolfowitz—would you trust any of these individuals to declare their inventory, would you rely upon that? Brent Scowcroft said he would not trust any of them. I do not know how many here would trust any of them. The history is not replete with accurate assessments and declarations made by any of the individuals involved, any of the leaders, any of the troops.

Yugoslavia, the former Yugoslavia, in fact, is renowned for having hundreds, if not thousands, of underground caves and caches where thousands of weapons are stored. So now they are

going to say, we have them all stored in X, Y and Z and you can go in and take a head count for yourself and we will agree to build down.

Very few people believe that is going to be possible. So the next question is, well, if we cannot really guarantee that there is going to be an arms reduction that will result in some sort of military equilibrium, then we have an obligation to see to it that the Bosnian Moslems are put in a position that, when we leave, they will be capable of defending themselves. Well, that means we are going to arm them in the alternative.

What the resolution of Senator DOLE, Senator MCCAIN, Senator LIEBERMAN, and others says is we really have that wrong. If you are talking about an exit strategy, the best we can hope to do is maintain a truce, a cease-fire for a year—I will talk about the year's timeframe in just a moment. That is the best we can hope to do. And during that time, we have to see to it that the Moslems are going to be in a position to defend themselves when we leave, if war should break out. Otherwise, we cannot declare that we have been successful in our mission.

If I had my druthers on this, I would do it in reverse. I would say, let us put the parties in a relative state of equilibrium now, let us build up the Bosnian forces now and then see if we can get them to agree to reduce to roughly equal levels and then leave. At least you would have a real incentive at that particular point for everybody to negotiate in good faith.

Right now, we know from listening to the administration and to others that the Bosnian Serbs do not want us to arm the Moslems. The Croatians do not want us to arm the Moslems. Our NATO allies do not want us to arm the Moslems. Article after article is now being written: Do not arm the Moslems; they have plenty. And, by the way, you do not want to upset the stability that has been achieved.

That is one of the areas that we have to remove in terms of our policy. Are we going to use fig leaf phrases to hide our naked ambiguities? Is that what we are about? Saying, well, we have this commitment on the side and a lot of opposition to it, so let us put it out there. In the event we do not get the arms reduction, we will see to it they are able to defend themselves.

Well, how and who? Who is going to provide the weapons? Under what circumstances, under whose aegis? Are we really fooling anyone? I quoted from a soul singer recently: Who is zooming who? Who are we zooming when we say we are totally neutral on this mission, that we are evenhanded and neutral and not favoring one side or the other? We ought to be up front about it. I know that causes concern for many, saying if we in fact are going over to help make sure the Bosnian Moslems can defend themselves, when we leave we are putting ourselves in danger.

That may be the case. That may be the case. But I would submit to you, Mr. President, and to my colleagues, leaving this in a state of suspended ambiguity also puts our troops in danger. We have to be very clear of what we are about. And so the resolution that will be offered tomorrow will in fact seek to define that our goal is to make sure that at the end of this period of time, be it 12 months or longer or less, when we leave, the Moslems will be in a position to at least be on a relatively equal playing field.

Now, is it going to be 12 months or not? Our colleague, Senator WARNER, asked a very important question during the hearings last week. He suggested to Secretary Perry that he was troubled by the 12-month timeframe; there seemed to be some political overtones to that.

Let me say here, as I said before during the hearings, not for a moment do I think that President Clinton made the decision to send troops into Bosnia for any political purpose. There is absolutely no political benefit that I can perceive that will come from that decision. There is not much of an up side, as we say in politics, from that kind of decision. A lot of down side to it. And so he is taking a very big risk. He is exercising what he believes to be leadership in the correct direction. We can challenge that or question that, but he is exercising leadership coming from the Oval Office.

And so I do not for a moment question his motivation. I think he is doing it because he thinks it is the right thing to do, which is not to say there will not be political implications and overtones come next September and October. It is an election year.

Hopefully—and we are going to pray on this and hope on this and be prepared for this—but hopefully we will never have a major confrontation between any of the major parties and U.S. troops. It would be an act of folly on their part in terms of the firepower we can bear.

But that is not the kind of conflict we can anticipate. If there are going to be any attacks launched against the NATO forces, U.S. troops in particular—and we assume there will be efforts to try to see how thin or wide our patience is going to be—they will come in the form of terrorist attacks, they will come in the form of landmines, they will come in the form of car bombs like we saw in Beirut, they will come in the form of a sniper's bullet. Those are the kinds of things that we can anticipate will take place.

Should we start to suffer significant casualties between now and next September or October, then obviously the President will be under pressure to pull the troops out. So I raised the issue with Secretary Perry. And to his credit, he was absolutely direct. He did not try to circumvent and he did not try to hedge and he did not fudge or try to engage in any kind of obfuscation. He simply responded to my question.

I said: Is it unreasonable for me to assume that come next October a tranche of 2,500 troops will be coming home? He said: Not at all. In fact, they intend to start bringing the troops home next October, November, and December.

So, really, it is not a truly 12-month mission, it is going to be, at least partially, a 9-month mission. I raised the 9 months because Secretary Perry said in response to Senator WARNER: "Nine or ten months would have been a time one could have been quite suspicious about. But let me assure you that the question never came to me, it was never raised to me by the President, of lowering this time from 12 down to 9 or 10 months."

So, now at least we understand the troops will be coming home in September or October or certainly by November or December. I say that. It is a reality. It does not question the President's motivation in sending them in. But it raises the issue, if we are really planning on that kind of a strategy of getting them out starting in September or October, then that really does accelerate the timeframe in terms of what we have to do in order to complete the mission.

So we have to be very clear on what we are seeking to do. If you ask any other U.N. commander who has been in that region and say we will be out of there in 12 months, not to mention 9 months, they will shake their head and say, "No, no." The President of France said that we will be there for 20 years. A Canadian commander who has been there as part of the UNPROFOR forces has said that our grandchildren will be there, if we really are serious about carrying out a mission to help build a nation.

But, of course, that is not what we are going to do. We are simply going to maintain a cease-fire to keep the warring parties apart for a period of 9 months-plus.

So, Mr. President, I will not take any longer this evening to discuss this issue. It is getting late. It is not much of an audience that is going to be influenced by whatever I say this evening. But I do think it is important to try to spell out what we believe to be the goal of our forces there, that we make it as clear to the American people as we can, so that if things go awry, if things do not work out as the administration hopes and we pray they work out, that we will at least have defined what we believe the mission to have been and, hopefully, shape the administration's thought process on this so it does not get expanded.

We are worried about mission creep, that once we get there, once an incident starts to take place, once bullets

start flying, once there is an action and reaction, once someone is attacked and we respond, that we do not start engaging in mission creep and start to indulge ourselves with the added burdens that will come about under that kind of pressure.

The Chinese leader Mao said, "Power comes out of the end of a gun barrel." Power in this country does not come at the end of a gun barrel; it comes at the end of Pennsylvania Avenue and Capitol Hill. Power, as I suggested before, belongs to whomever claims it and exercises it.

Congress has chosen not to claim the power of deciding when to deploy American forces when our Nation is not under attack and when our vital national interests are not immediately at stake. So, we are where we are because we were not willing to risk the consequences of action. We have deferred, we have debated, we have waited, we have talked, and we have let the President take us to where we are today.

So our duty, as I see it, is now to define the role that our men and women must now play.

Mr. President, I yield the floor.

PROHIBITION ON FUNDS FOR BOSNIA DEPLOYMENT

Mr. COHEN. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 2606, involving the use of funds for troops in Bosnia, and that the Senate now turn to its immediate consideration, with no amendments in order to the bill or motions to commit or recommit.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2606) to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force, unless funds for such deployment are specifically appropriated by law.

The Senate proceeded to consider the bill.

Mr. COHEN. Mr. President, I further ask unanimous consent that the bill be advanced to third reading and that final passage occur at 12:30 p.m., on Wednesday, December 13, with paragraph 4 of rule XII being waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, I further ask unanimous consent that at 9 a.m., Wednesday, H.R. 2606 be immediately laid aside, that the Senate proceed to a Senate concurrent resolution to be submitted by Senators HUTCHISON, INHOFE, and others.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COHEN. Mr. President, I now ask unanimous consent that there be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE REVEREND DR. RICHARD C. HALVERSON

Mr. DODD. Mr. President, I was deeply saddened by the passing of Dr. Richard C. Halverson, our friend and our Chaplain who served the Senate with distinction for 14 years. Dr. Halverson was a shining example for us all—he embodied all that we seek to be in the eyes of our families, our friends, the Americans we serve, and of course, God.

George Bernard Shaw once wrote: "There is only one religion, though there are a hundred versions of it." Mr. President, I would say this is a fitting description of the community Dr. Halverson so gracefully ministered. There are as many different opinions in this Senate as there are Senators. Yet Dr. Halverson, in his kind and gentle manner, was always able to provide the individual counsel and insight that helped us reach decisions on issues both monumental and mundane. Amid the busy hustle and bustle of events here in the Senate, it is not difficult to lose grounding, and it becomes ever more important to remember our place in the universe. Dr. Halverson, through his daily prayers, helped us to keep our perspective.

Of course, Dr. Halverson served all the Senate employees, and those who knew him loved him just as much as he loved them. He was always available to help and guide people in need, people in pain, or people who just needed to talk.

But Dr. Halverson's work extended far beyond the United States Senate and the Capitol dome. He was minister to the Fourth Presbyterian Church in Bethesda, leader of the prayer breakfast movement and World Vision, and deeply involved in several other evangelical organizations. Dr. Halverson reached out to many, and he will be sorely missed.

I want to extend to his family my condolences, and during this difficult time wish for them the hope and strength that Dr. Halverson inspired in all who knew him.

TRIBUTE TO REVEREND DR. RICHARD HALVERSON

Mr. MURKOWSKI. Mr. President, tomorrow there will be a memorial service for the late Reverend Dr. Richard Halverson. I want to take this opportunity to express my sorrow and sadness over the passing of this man who served not only as Chaplain of the Senate for 14 years, but also as model of the Christian life.

Dr. Halverson came to the Senate after serving churches in Missouri, California, and Maryland. His leadership of World Vision, the Campus Crusade for Christ, Christian College Consortium, and the prayer breakfast movement, established him as a world-renowned figure.

But I always think of him as the Senate family Chaplain. He did not merely try to give guidance and wisdom to Senators. He served all in the Senate, including the family members of staffers at all levels of the Senate.

In moments of great stress, I know many Senators turned to Dr. Halverson for guidance and counsel. And every day, when Dr. Halverson opened proceedings with the prayer, he gave us strength and perspective in understanding the responsibilities we hold as Senators.

I am proud to have known Dr. Halverson and can truly say that I will miss him. I know that his family can be comforted in knowing that today he is with God.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, before discussing today's bad news about the Federal debt, how about "another go", as the British put it, with our pop quiz. Remember—one question, one answer.

The question: How many millions of dollars in a trillion? While you are thinking about it, bear in mind that it was the U.S. Congress that ran up the enormous Federal debt that is now about $12 billion shy of $5 trillion.

To be exact, as of the close of business yesterday, December 11, the total Federal debt—down to the penny—stood at $4,988,568,481,765.63. Another depressing figure means that on a per capita basis, every man, woman and child in America owes $18,936.69.

Mr. President, back to our quiz (how many million in a trillion?): There are a million million in a trillion, which means that the Federal Government will shortly owe five million million dollars.

Now who's in favor of balancing the Federal budget?

ERNIE BOYER—A GIANT IN EDUCATION

Mr. KENNEDY. Mr. President, the death of Ernie Boyer last week has deprived the Nation of one of its greatest leaders in education. Throughout his long and distinguished career, Ernie was unsurpassed as a champion of education, and I am saddened by the loss of a good friend and great colleague.

In the history of modern American education, Ernie Boyer was a constant leader, working to expand and improve educational opportunities for all Americans. His breadth and depth of knowledge and experience in all areas of education was unsurpassed.

As Commissioner of Education under President Carter, he helped to focus the attention of the entire Nation on these critical issues. He wrote numerous books in support of improvements in elementary, secondary, and higher education. He was a key member of many national commissions, and was a constant source of wisdom and counsel to all of us in Congress concerned about these issues.

Ernie once said he wished he could live to be 200, because he had so many projects to complete. He accomplished more for the Nation's students, parents, and teachers in his 67 years than anyone else could have done in 200 years. They may not know his name, but millions of people—young and old—have better lives today because of Ernie Boyer. Education has lost its best friend.

Mr. President, I ask unanimous consent that an article about Ernie Boyer from the New York Times and excerpts from the Current Biography Yearbook 1988 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 9, 1995]

Ernest L. Boyer, who helped to shape American education as Chancellor of the State University of New York, as United States Commissioner of Education and as President of the Carnegie Foundation for the Advancement of Teaching, died yesterday at his home in Princeton, N.J. He was 67.

Dr. Boyer had been treated for lymphoma for nearly three years, his assistant, Bob Hochstein, said.

Dr. Boyer also was the author of a number of reports for the Carnegie Foundation, a nonprofit policy study center in Princeton that has often set the nation's education agenda.

In 1987, when he detected that one of the major ills of higher education was that research was elbowing aside teaching, he wrote, "College: The Undergraduate Experience in America" (Harper & Row), in which he argued that "at every research university, teaching should be valued as highly as research." The book stimulated the present college movement that holds that much research is pointless and even harmful insofar as it distracts teachers from students.

In 1990, Dr. Boyer developed this theme in another book, "Scholarship Reconsidered" (Carnegie Foundation), in which he maintained that teaching, service and the integration of knowledge across disciplines should be recognized as the equal of research.

Another of his reports, "High School: A Report on Secondary Education" (Harper & Row, 1983), had an impact even before it was published. When officials at the United States Department of Education learned that Dr. Boyer, a former Federal Commissioner of Education, was working on a report describing the inadequacies of secondary public education and proposing a series of changes, they decided to start their own study, which came to be called "A Nation at Risk."

Published a few months ahead of Dr. Boyer's report, "A Nation at Risk" was frequently described as a national wake-up call, spelling out the failure of the public high schools to provide students with basic knowledge and skills.

Dr. Boyer's report helped focus the ensuing discussion on specific plans like raising requirements for high school graduation, improving teacher certification and lengthening the school day.

Because the Carnegie study had been underwritten by a sizeable grant from the Atlantic Richfield Foundation, Dr. Boyer was able to back up his ideas with financial rewards and incentives. In 1983, he dispersed $600,000 to 200 schools that were seen to be striving for "excellence" and two years later, he awarded grants of $25,000 to $50,000 to 25 high schools that were perceived to have improved their curriculums, teacher training and community ties.

Dr. Boyer believed the nation's most urgent education problem was high schools. Pointing to the high dropout rate among minorities, he expressed fear that "the current move to add more course requirements will lead to more failure among inner-city students unless we also have smaller classes, better counseling and more creative teaching."

He also felt that education improvements were bypassing too many impoverished children, with consequences for the future of the country. He advocated programs in nutrition, prenatal care for teen-age mothers, and more day care with summer classes and preschool education.

Among his other books, whose titles reflected his concerns, were "Campus Life" (1990), "Ready to Learn" (1991) and "The Basic School" (1995), all published by the Carnegie Foundation.

Dr. Boyer had been working on a book, "Scholarship Assessed," in which he was attempting to establish a means of measuring successful teaching and service so that they could be better rewarded.

In a statement released yesterday, President Clinton said: "The nation has lost one of its most dedicated and influential education reformers. Ernest Boyer was a distinguished scholar and educator whose work will help students well into the next century."

A compelling orator who never tired of his role as an evangelist of education, Dr. Boyer was a sought-after lecturer on such issues as the need for adult education away from a campus, overbearing academic management ("Bureaucratic mandates from above can, in the end, produce more confusion than programs"), and the decline of teaching civics and government in schools ("Civics illiteracy is spreading, and unless we educate ourselves as citizens, we run the risk of drifting unwittingly into a new Dark Age").

He was also a busy consultant, in recent years having advised governments like the People's Republic of China on educational policy.

Ernest LeRoy Boyer was born in Dayton, Ohio, on Sept. 13, 1928, one of the three sons of Clarence and Ethel Boyer. His father managed a wholesale book store and ran a mail-order greeting-card and office-supply business from the basement of the family home. Dr. Boyer once said that the most influential figure in his early life was his paternal grandfather, William Boyer, who was head of the Dayton Mission of the Brethren in Christ Church and who directed him toward "a people-centered life."

Dr. Boyer attended Greenville College, a small liberal arts school in Illinois, and went on to study at Ohio State University. He received his master's and doctoral degrees from the University of Southern California. He was a post-doctoral fellow in medical audiology at the University of Iowa Hospital.

He then taught and served in administrative posts at Loyola University in Los Angeles, Upland College and the University of California at Santa Barbara. At Upland College, he introduced a widely emulated program in which the mid-year term, the month of January, became a period in which students did not attend classes but pursued individual projects. It was at Upland that he decided to devote his career to educational administration.

In 1965, he moved east to join the vast SUNY system as its first executive dean. Five years later, he became Chancellor of the institution and its 64 campuses, 350,000 students and 15,000 faculty members.

His 7-year term was a period of innovation. He founded the Empire State College at Saratoga Springs and four other locations as noncampus SUNY schools at which adults could study for degrees without attending classes. He also set up an experimental three-year Bachelor of Arts program; established a new rank, Distinguished Teaching Professor, to reward faculty members of educational distinction as well as research, and established one of the first student-exchange programs with the Soviet Union.

Dr. Boyer served on commissions to advise President Richard M. Nixon and President Gerald R. Ford. In 1977, he left SUNY after President Jimmy Carter appointed him to lead the United State Commission on Education, thus becoming the agency's last Commissioner before Congress elevated the position to cabinet rank.

Toward the end of the Carter Administration, disappointed that Congress had failed to elevate the Commission on Education to a cabinet-level department, Dr. Boyer accepted an invitation to succeed Alan Pifer as president of the Carnegie Foundation. He expanded the scope of his position to go beyond the study of higher education and to study education at every level, bringing the resources of the foundation to bear on the earliest years of a child's education.

Even when confined to a hospital bed last month, Dr. Boyer continued to keep up on developments in education, reacting to an announcement by the University of Rochester that it was downsizing both its student body and faculty in order to improve quality and attract better students.

"I think we're headed into a totally new era," he said. "After World War II, we built a nation of institutions of higher learning based on expansion. Research was everything, and undergraduates were marginalized. Now, time is running out on that."

Later in November, responding to the appointment of William M. Bulger, the longtime president of the Massachusetts State Senate, as President of the University of Massachusetts, Dr. Boyer deplored the trend of naming prominent politicians to lead colleges and universities.

"It is disturbing to see university leaders chosen on the basis of their political strengths," Dr. Boyer said. "A university president with strong academic credentials is a symbolic figure who can speak out on the great issues in a way that a political leader cannot."

"If you appoint political figures to these offices," he continued, "you have more political voices being heard, but they're being heard already. You need the other voices. Without the voices with strong academic credentials behind them, you can even imagine a time in the future when a politicized

university administration and a politicized board of trustees would be hugely impatient with academic freedom."

Dr. Boyer held more than 130 honorary degrees, including the Charles Frankel Prize in the Humanities, a Presidential citation.

He is survived by his wife Kathryn, and four children, Ernest Jr., of Brookline, Mass., Beverly Coyle of Princeton, N.J., Craig of Belize and Paul, of Chestertown, MD.

[From Current Biography Yearbook 1988]

BOYER, ERNEST L.

Sept. 13, 1928–Educator. Address: b. Carnegie Foundation for the Advancement of Teaching, 5 Ivy Lane, Princeton, N.J. 08540; h. 222 Cherry Valley Rd., Princeton, N.J. 08540.

One of the most influential and respected members of the American educational establishment is Ernest Boyer, who since 1970 has served successively as chancellor of the vast State University of New York (SUNNY), as United States commissioner of education, and as president of the prestigious Carnegie Foundation for the Advancement of Teaching. Along the way, he has managed to accumulate more than sixty awards, trusteeships, and honorary degrees. Since 1983 he has been Senior Fellow of the Woodrow Wilson School, Princeton University. As the head of the Carnegie Foundation, he automatically assures that any topic he may choose to address will achieve a prominent place on the national educational agenda.

Boyer's concerns range beyond the confines of the classroom to such urgent issues as the need for child care in the workplace and for adult education away from the campus. Under his leadership, the Carnegie Foundation has issued two major critical studies, both written by him, on American high schools and colleges. Boyer is now training his sights on the earliest years of a child's education, including prekindergarten, as the target of the next important project of the Carnegie Foundation for the Advancement of Teaching. * * *

While a graduate student Boyer worked as a teaching assistant at the University of Southern California and as an instructor at Upland College, where he became chairman of the speech department. After a year spent at Loyola University (Los Angeles), where he was director of forensics, he became professor of speech pathology and audiology and academic dean at Upland in 1956. His postgraduate research in medical audiology confirmed the effectiveness of a new surgical technique for treating otosclerosis, a disease of the middle ear.

In 1960, reaching what he later recalled as one of the "crucial crossroads" in his life, Boyer switched from teaching and research to administration when he accepted a position with the Western College Association. The California Board of Education had ordered all public schoolteachers to obtain a degree in an academic discipline—a decision that proved to be unpalatable to teachers' colleges—and Boyer was appointed director of the commission that was charged with carrying out the directive. Two years later, he became director of the Center for Coordinated Education at the University of California at Santa Barbara, administering projects to improve the quality of education from kindergarten to college.

In 1965 Boyer moved east to Albany, New York, joining the State University of New York as its first executive dean for university-wide activities—a title created especially for him. In that position he developed an impressive range of intercampus programs, including one providing for scholars-in-residence and another that established the SUNY chancellor's student cabinet. He became vice-chancellor of SUNY in 1968, a post in which he presided over large staff meetings, moderated discussions, and summarized them for Chancellor Samuel Gould, to whom he also made recommendations. Boyer's colleagues praised him for his organizational ability, and one university official described him as "an unassuming man with a firm streak. He's nobody's patsy. But he is a good listener."

On July 30, 1970, Boyer was appointed to succeed the retiring Samuel Gould as the administrative head of a complex system of sixty-four campuses, hundreds of thousands of students, and about 15,000 faculty members. In his inaugural address' which he delivered on April 6, 1971, Boyer proposed that as many as 10 percent of the freshman class of 1972 be allowed to take an experimental three-year program leading to a degree. That initiative was adopted at several SUNY institutions within the year. He also called for the creation of the new rank of university teacher. His proposal was acted upon in 1973 with the introduction of the new rank of distinguished teaching professor in order to reward educational distinction as well as research.

Also quickly put into effect was the establishment of Empire State College, in response to a directive from the SUNY board of trustees to Boyer to investigate new methods of education that would enable mature students to pursue a degree program without having to spend their full time on campus. Such a program, as Boyer noted, would have the advantage of avoiding heavy construction and maintenance costs. Empire State College was established in 1971 with a small faculty core at Saratoga Springs, and with leased faculty at four other locations. Under the general guidance of a faculty member, students were able to work for a degree without attending classes, by means of reading, listening to tapes, watching television, following previously prepared lesson plans, traveling, or doing field work. * * *

Just before the inauguration of Jimmy Carter as president of the United States, Boyer was named federal commissioner of education, responsible for administering education programs involving billions of dollars. The appointment appeared to be ideal for Boyer, even though it meant taking a pay cut from $67,000 to $47,500 a year, since Carter had been the first presidential candidate ever endorsed by the National Education Association and was on record as favoring a cabinet-level department of education. The new department was not established until 1980, however, and in the meantime Boyer found himself under a boss—Secretary of Health, Education, and Welfare Joseph A. Califano Jr.—who did not welcome independence from his subordinates and opposed the creation of a department that would diminish how own agency. * * *

In October 1978 unnamed sources confirmed that Boyer had accepted the position of president of the Carnegie Foundation for the Advance of Teaching, beginning in 1980. * * *

At the Carnegie Foundation, Boyer took the helm of an organization that, in 1985, held income-producing assets worth more than $35 million. "My top priority at Carnegie," he told George Neill in an interview for Phi Delta Kappan (October 1979), "will be efforts to reshape the American high school and its relationship with higher education. . . . I'm convinced that the high school is the nation's most urgent education problem."

On September 15, 1983, Boyer released the results of a $1 million, fifteen-month study of the nation's high schools that was conducted by twenty-eight prominent educators, each of whom visited high schools in several cities. The report estimated that although 15 percent of American high school students were getting "the finest education in the world," about twice that number merely mark time or drop out and that the remainder were attending schools "where pockets of excellence can be found but where there is little intellectual challenge." Among the study's recommendations were adoption of a "core curriculum" for all students, designation of mastery of the English language, including writing, as the central curriculum objective for all students, requiring mastery of a foreign language for all students, a gradual increase in teachers' pay of 25 percent, after making up for inflation, and mandatory community service for students as a requirement for graduation.

The report was issued in book form as High School: A Report on Secondary Education in America (Harper & Row, 1983), with Boyer and the Carnegie Foundation listed as its authors. The academic book-reviewing publication Choice (January 1984) called it "an important contribution to the coming educational policy debate of the 1980's," and, in Commonwealth (April 20, 1984), the reviewer John Ratte wrote, "It is not damning with faint praise to say that Ernest Boyer's book is remarkably clear and well written for a commission study report." Andrew Hacker, writing in the New York Review of Books (April 12, 1984), assessed the report as "less a research project than Boyer's own book" and credited him with trying "to define how education can contribute to a more interesting and thoughtful life—and not just a more competitive one."

In his follow-up interviews and speeches, Boyer stressed the urgent need for better teaching in American high schools. He told Susan Reid of People magazine (March 17, 1986) that "by 1990, 30 percent of all children in the public schools will be minorities," noted the high dropout rate among minorities, and expressed the fear that "the current move to add more course requirements will lead to more failure among inner-city students, unless we also have smaller classes, better counseling, and more creative teaching. . . . To my mind, teaching is the nub of the whole problem. . . . All other issues are secondary." * * *

In December 1987 Boyer and Owen B. Butler, vice-chairman of the Committee for Economic Development, addressed the University/Urban Schools National Task Force, organized by the City University of New York. The two leaders noted that the movement for educational change was bypassing many impoverished children, with consequences that could threaten the future of the United States. To alleviate the situation, Boyer proposed, among other things, improvements in nutrition, prenatal care for teenage mothers more effective day care, including summer programs, and preschool education.

The success of Ernest Boyer's career owes much to a work week that customarily extends to eighty or ninety hours. Although he is a quick study who is adept at drawing out other people and grasping their ideas, he rarely advances into the firing line, preferring to stay a half step behind some of his peers. "He has an unusual ability to bring people together," a former colleague told a reporter for the New York Times [March 16, 1977]. "It's a gift for finding consensus among a diverse group of people where none appeared to exist." * * *

REARRANGING FLOWERS ON THE COFFIN

Mr. MOYNIHAN. Mr. President, we are now in the final days of the 1st session of the 104th Congress. In a short while we will have worked out some accommodations on the budget. We must do this, for we will now be engaged in the establishment of some measure of peace and lawful conduct in the Balkans. It would be unforgivable if we put our military in harm's way abroad without first getting our affairs in some minimal order here at home.

I am fearful, however, that as we close out this session we will also close down the provision for aid to dependent children that dates back 60 years to the Social Security Act of 1935.

If this should happen, and it very likely will, the first and foremost reason will be the monstrous political deception embodied in the term Welfare reform.

In my lifetime there has been no such Orwellian inversion of truth in the course of a domestic debate. "Welfare reform" in fact means welfare repeal. The repeal, that is, of title IV-A of the Social Security Act. Everyone is to blame for this duplicity, everyone is an accomplice.

For practical purposes, we can begin with the celebrated Contract With America, which pledged that within 100 days, a Republican House would vote on 10 bills, including:

> 3. Welfare reform. The government should encourage people to work, not to have children out of wedlock.

This in itself was unexceptional, especially the second clause. By 1994, the nation had become alarmed by an unprecedented rise in illegitimacy, to ratios altogether ahistorical—from practically nil to almost one-third in the course of a half-century. Since illegitimate children commonly end up supported by Aid to Families with Dependent Children (AFDC), a causal connection was inferred. Not proven. We know desperately little about this great transformation, save that it is happening in all the industrial nations of the North Atlantic.

Undeterred, the new House majority promptly passed a bill which repealed AFDC. Such an act would have been unthinkable a year earlier, just as repealing Old Age pensions or Unemployment Compensation, other titles of the Social Security Act, would be today. At minimum, it would have seemed cruel to children. But the new Republicans succeeded in entirely reversing the terms of the debate. Instead of aiding children, AFDC was said to harm them. Last month, a Republican Member of the House remarked on the importance of child care:

> . . . because our welfare reform package is going to remove people from welfare and get them to work. We understand that child care is a critical step to ending the cruelty of welfare dependency.

What once was seen as charity, or even social insurance is redefined as cruelty.

This happens. Social problems are continuously redefined. Malcolm Gladwell of The Washington Post has noted that, "In the 19th century, the assumption had almost always been that a man without a job was either lazy or immoral. But following the depression of the 1890's, the Progressives 'discovered' unemployment." Which is to say, a personal failing became a societal failing instead. This redefinition has wrought what would once have seemed miracles in the stabilization of our economy. Mass unemployment is now history. On the other hand, such cannot be said for the attempt to dissociate welfare dependency from personal attributes, including moral conduct. As we would say in the old Navy, I am something of a plank owner in this regard. It is just 30 years since I and asscciates on the policy planning staff of the Department of Labor picked up the onset of family instability in the nation, in this case among African Americans. Interestingly, this followed our having failed to establish that macroeconomic problems were the source of the trouble. In the event, I was promptly accused of Blaming the Victim. For the 30 years that followed there was an awful tyranny of guilt mongering and accusation that all but strangled liberal debate. One consequence was that when a political force appeared that wished to change the terms of debate altogether, established opinion was effortlessly silenced and displaced. Again, Gladwell:

> But if anything is obvious from the current budget fight and Capitol Hill's commitment to scaling back welfare and Medicaid while lavishing extra billions on the Pentagon, it is that this once formidable confidence has now almost entirely slipped away. This is what has given Washington's current re-examination of the size and shape of government its strange ambivalence. In most revolutions the defenders of the status quo have to be dragged from power, kicking and screaming. In this revolution, the defenders of the old activism toward the poor surrendered willingly, with the shrugs and indifference of those who no longer believed in what they stood for either.

This was painfully evident in the Senate. On August 3, 1995, the Republican majority introduced a Welfare reform bill which abolished AFDC. That same day, the Democratic minority introduced a competing Welfare reform bill—which also abolished AFDC. On the minority side an enormous fuss is now being made over adding a little extra child care, some odd bits of child nutrition aid, perhaps a little foster care. Literally arranging flowers on the coffin of the provision for children in the Social Security Act. Coming from devious persons this would have been a conscious strategy—distracting attention from what was really going on. But these were not, are not, devious persons. Sixty years of program liberalism—a bill for you, a bill for me—had made this legislative behavior seem normal. The enormity of the event was altogether missed.

I hope this is not mere innocence on my part. The Washington Post editorial page has been unblinking on this subject. An editorial of September 14 described the bill on the Senate floor as "reckless," adding with a measure of disdain: "Some new money for child care may . . . be sprinkled onto this confection." Those seeking to define welfare repeal as welfare reform by improving the Republican measure should have known better, but I truly think they did not. In recent years, child care has been something of a mantra among liberal advocates for the poor. For all its merits, it has awesome defects, which are the defects of American social policy. The most important is that it creates two classes of working mothers: one that gets free government provided child care; another that does not.

The Clinton administration arrived in Washington sparking with such enthusiasms. At this time, I was chairman of the Committee on Finance, charged with producing $500 billion in deficit reduction, half through tax increases, half through program cuts. I thought deficit reduction a matter of the first priority, as did my fabled counterpart in the House, Dan Rostenkowski, chairman of Ways and Means. In the end, we got the votes. Barely. Fifty, plus the Vice President in the Senate. But all the while we were taking on this large—and as we can now say hugely successful—effort, we were constantly besieged by administration officials wanting us to add money for this social program or that social program. Immunization was a favorite. Rosty and I were baffled. Our cities had had free immunization for the better part of a century. All children are vaccinated by the time they enter school. If they aren't vaccinated at earlier ages, it is surely the negligence or ignorance of the parents that has most explanatory value. But nothing would do: had to add whatever billion dollars for yet a new Government service.

My favorite in this miscellany was something called family preservation, yet another categorical aid program—there were a dozen in place already—which amounted to a dollop of social services and a press release for some subcommittee chairman. The program was to cost $930 million over 5 years, starting at $60 million in fiscal year 1994. For three decades I had been watching families come apart in our society; now I was being told by seemingly everyone on the new team that one more program would do the trick. The New Family Preservation Program was included in the President's first budget, but welfare reform was not. In fact, the administration presented no welfare plan until June of 1994, a year

and a half after the President took office. At the risk of indiscretion, I ask unanimous consent to have printed in the RECORD at this point a letter I wrote to Dr. Laura D'Andrea Tyson, then the distinguished Chairman of the Council of Economic Advisors.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 28, 1993.

Dr. LAURA D'ANDREA TYSON,
Council of Economic Advisers, The Old Executive Office Building, Washington, DC.

DEAR DR. TYSON: You will recall that last Thursday when you so kindly joined us at a meeting of the Democratic Policy Committee you and I discussed the President's family preservation proposal. You indicated how much he supports the measure. I assured you I, too, support it, but went on to ask what evidence was there that it would have any effect. You assured me there was such data. Just for fun, I asked for two citations.

The next day we received a fax from Sharon Glied of your staff with a number of citations and a paper, "Evaluating the Results", that appears to have been written by Frank Farrow of the Center for the Study of Social Policy here in Washington and Harold Richman at the Chapin Hall Center at the University of Chicago. The paper is quite direct: ". . . . solid proof that family preservation services can effect a state's overall placement rates is still lacking."Just yesterday, the same Chapin Hall Center released an "Evaluation of the Illinois Family First Placement Prevention Program: Final Report". This was a large-scale study of the Illinois Family First initiative authorized by the Illinois Family Preservation Act of 1987. It was "designed to test effects of this program on out-of-home placement of children and other outcomes, such as subsequent child maltreatment." Data on case and service characteristics were provided by Family First caseworkers on approximately 4,500 cases; approximately 1,600 families participated in the randomized experiment. The findings are clear enough.

"Overall, the Family First placement prevention program results in a slight increase in placement rates (when data from all experimental sites are combined). This effect disappears once case and site variations are taken into account."

In other words, there are either negative effects or no effects.

This is nothing new. Here is Peter Rossi's conclusion in his 1992 paper, "Assessing Family Preservation Programs". Evaluations conducted to date "do not form a sufficient basis upon which to firmly decide whether family preservation programs are either effective or not".

May I say to you that there is nothing the least surprising in either of these findings? From the mid-'60s on this has been the repeated, I almost want to say consistent pattern of evaluation studies. Either few effects or negative effects. Thus, the negative income tax experiments of the 1970s appeared to produce an increase in family break-up.

This pattern of "counterintuitive" findings first appeared in the '60s. Greeley and Rossi, some of my work, Coleman's. To this day I can't decide whether we are dealing here with an artifact of methodology or a much larger and more intractable fact of social programs. In any event, by 1978 we had Rossi's Iron Law. To wit:

"If there is any empirical law that is emerging from the past decade of widespread evaluation research activities, it is that the expected value for any measured effect of a social program is zero."

I write you at such length for what I believe to be an important purpose. In the last six months, I have been repeatedly impressed by the number of members of the Clinton Administration who have assured me with great vigor that something or other is known in an area of social policy which, to the best of my understanding, is not known at all. This seems to me perilous. It is quite possible to live with uncertainty; with the possibility, even the likelihood that once is wrong. But beware of certainty where none exists. Ideological certainty easily degenerates into an insistence upon ignorance.

The great strength of political conservatives at this time (and for a generation) is that they are open to the thought that matters are complex. Liberals have got into a reflexive pattern of denying this. I had hoped twelve years in the wilderness might have changed this; it may be it has only reinforced it. If this is so, current revival of liberalism will be brief and inconsequential.

Respectfully,

DANIEL PATRICK MOYNIHAN.

Mr. MOYNIHAN. Note that concluding paragraph: If we don't get as good at asking questions as conservatives have become, "the current revival of liberalism will be brief and inconsequential." In the course of the recent debate on "Welfare reform," specifically on September 14, I took occasion to note that almost the only serious critique of the Republican proposal, and its Democratic variant, was coming from conservative social analysts and social scientists. Let me cite three such criticisms which in sum, or so I would argue, make a devastating case against what Congress and the administration seem bent on doing.

First George Will, who in the high tradition of conservative thought, asks us to consider the unanticipated consequences of what we are about to do to children in the course of disciplining their parents. He wrote in September:

As the welfare reform debate begins to boil, the place to begin is with an elemental fact: No child in America asked to be here. * * * No child is going to be spiritually improved by being collateral damage in a bombardment of severities targeted at adults who may or may not deserve more severe treatment from the welfare system.

Let me attach numbers to this statement. In 1968, as part of the social science undertakings associated with the Economic Opportunity Act of 1965, the Federal government helped establish the Panel Study of Income Dynamics at the Survey Research Center of the University of Michigan. The thought was to follow cohorts of real, named individuals over the years to see how income rose and fell over time. Earlier this year, using this data, Greg J. Duncan and Wei-Jun J. Yeung calculated that of children born between 1973 and 1975, some 24 percent received AFDC at some point before turning 18. Among African-Americans this proportion was 66 percent, while for whites it was 19 percent. All told some 39 percent of this cohort received AFDC, Food Stamps, or Supplementary Security Income. (Duncan, Greg J. and Yeung, Wei-Jun J. "Extent and Consequences of Welfare Dependence Among America's Children." Children and Youth Services Review. Vol. 17, Nos. 1–2, pp. 157–182, 1995.)

And so we know what we are talking about. A quarter of our children.

A year ago November, James Q. Wilson gave the Walter Wriston lecture at the Manhattan Institute, entitled "Welfare Reform and Character Development." He began by insisting on how little we know:

Let me confess at the outset that I do not know what ought to be done and assert that I do not think anyone else knows either. But I think that we can find out, at least to the degree that feeble human reason is capable of understanding some of the most profound features of the human condition. What we may find out, of course, is that we have created a society that can no longer sustain a strong family life no matter what steps we take. I am not convinced of that, for the very people who express the deepest pessimism are themselves leading, in most cases, decent lives amid strong human attachments and competent and caring families.

What we worry about is the underclass. There has always been an underclass and always will be one. But of late its ranks have grown, and its members have acquired greater power to destroy their own children and inflict harm beyond their own ranks. The means for doing so—guns, drugs, and automobiles—were supplied to them by our inventive and prosperous economy. We must either control more rigorously those means or alter more powerfully the lives of those who possess them. I wish to discuss the latter, because the public is rightly dubious about how great a gain in public safety can be achieved by the legal methods at our disposal and is properly indignant about the harm to innocent children that will result from neglecting the processes by which the underclass reproduces itself.

The great debate is whether, how, and at what cost we can change lives—if not the lives of this generation then those of the next.

He then set forth three precepts. Note that the first is precisely where Will began:

First precept: Our overriding goal ought to be to save the children. Other goals—reducing the cost of welfare, discouraging illegitimacy, and preventing long-term welfare dependency—are all worthy. But they should be secondary to the goal of improving the life prospects of the next generation.

Second precept: Nobody knows how to achieve this goal on a large scale. The debate that has begun about welfare reform is largely based on untested assumptions, ideological posturing, and perverse priorities. We are told that worker training and job placement will reduce the welfare rolls, but we know that worker training and job placement have so far had at best very modest effects on welfare rolls. And few advocates of worker training tell us what happens to children whose mothers are induced or compelled to work, other than to assure us that somebody will supply day care. We are told by others that a mandatory work requirement, whether or not it leads to more mothers working,

will end the cycle of dependency. We don't know that it will. Moreover, it is fathers whose behavior we most want to change, and nobody has explained how cutting off welfare to mothers will make biological fathers act like real fathers. We are told that ending AFDC will reduce illegitimacy, but that is, at best, an informed guess. Some people produced many illegitimate children long before welfare existed, and others in similar circumstances now produce none, even though welfare has become quite generous. I have pointed out that group homes and boarding schools once provided decent lives for the children of stable, working-class parents who faced unexpected adversity, but I do not know whether such institutions will work for the children of underclass parents enmeshed in a cycle of dependency and despair.

Third precept: The federal government cannot have a meaningful family policy for the nation, and it ought not to try. Not only does it not know and cannot learn from "experts" what to do; whatever it thinks it ought to do, it will try to do in the worst possible way: uniformly, systematically, politically, and ignorantly. Today official Washington rarely bothers even to give lip service to the tattered principle of states' rights. Even when it allows the states some freedom, it does so only at its own pleasure, reserving the right to set terms, issue waivers, and attach conditions. Welfare politics in Washington is driven by national advocacy groups that often derive their energy from the ideological message on which they rely to attract money and supporters. And Washington will find ways either to deny public money to churches (even though they are more deeply engaged in human redemption than any state department of social welfare) or to enshroud those churches that do get public money with constraints that vitiate the essential mission of a church.

Finally, to Wilson's point that any welfare program significantly funded from Washington will be run "uniformly, systematically, politically, and ignorantly." I don't disagree. The Family Support Act of 1988 had two basic premises. The first was that welfare could not be a way of life; that it had to be an interlude in which mothers learn self-sufficiency and fathers learn child support, and also that this goal was to be pursued in as many different ways as State and local governments could contrive. I would like to think that I am not the only person still in Washington who recalls that in debate we would continually refer to the experiments being carried out by a liberal Democratic Governor in Massachusetts, Michael Dukakis, and a conservative Republican Governor of California, George Deukmejian. Our expectations, very much under control I should say, were based on the careful research of such programs by the Manpower Demonstration Research Corporation based in New York.

On December 3rd, Douglas J. Besharov of the American Enterprise Institute, the third of the conservative analysts I will cite, wrote in support of the welfare measure now in conference, stating that the experience of the JOBS program under the Family Support Act showed just how innovative and responsible States can be. He said:

Since 1992, the federal government has allowed states almost total freedom to reshape their welfare systems through the waiver process. According to the Center for Law and Social Policy (CLASP), as of last week, 42 states had requested waivers and well over half had already been granted.

As some will know, earlier this year I introduced the Family Support Act of 1995, seeking to update the earlier legislation, given seven years experience. In the current issue of The National Journal, in which I am referred to as the "champion" of "left-of-center advocacy groups," this measure, which got 41 votes on the Senate floor, is simply dismissed: ". . . MOYNIHAN's bill is principally a vehicle for defending the status quo . . ." Dreadful charge, but not unwarranted. The status quo is meant to be one of experiment and change. And it is. I so state: the idea of changing welfare has even taken hold in New York City.

Now to what I think of as a constitutional question, the source of my greatest concern.

I have several times now, here on the floor, related an event which took place in the course of a "retreat" which the Finance Committee held last March 18 at the Wye Plantation in Maryland's Eastern shore. Our chairman, Senator Packwood, asked me to lead a discussion of welfare legislation, the House bill, H.R. 4, having by then come over to the Senate where it was referred to our committee.

I went through the House bill, and called particular attention to the provision denying AFDC benefits to families headed by an unwed female under 18 years of age. I said that these were precisely the families we had been most concerned about in the Family Support Act. The welfare population is roughly bi-modal. About half the families are headed by mature women who for one reason or another find themselves alone with children and without income. AFDC is income insurance, just as unemployment compensation is income insurance. Or, if you like, social insurance, which is why we call it Social Security. These persons are typically in and out of the system within 2 years. The other AFDC families, rather more than half, begin as AFDC families. Young women with children typically born out of wedlock. These are the families the Family Support Act was concerned with. There are millions of families in just this circumstance.

A few days later, a colleague on the Finance Committee came up to say that he had checked on this matter at home. In his state there were four such families; two had just moved in from out of state. I can imagine the state welfare commissioner asking if the Senator wanted to know their names.

Here is the point as I see it. Welfare dependency is huge, but it is also concentrated. That portion of the caseload that is on welfare for two years or less is more or less evenly distributed across the land. But three-quarters of children who are on AFDC at a point in time will be on for more than five years. They are concentrated in cities. In Atlanta, 59 percent of all children received AFDC benefits in the course of the year 1993; in Cleveland, 66 percent; in Miami, 55 percent; in Oakland, 51 percent; in Newark, 66 percent; in Philadelphia, 57 percent.

By contrast there are many States that do not have large cities and do not have such concentrations. The Department of Health and Human Services has estimated the number of children who would be denied benefits under the 5-year time limit contained in both the House and Senate welfare bills, now in conference. For California, 849,300. For neighboring Nevada, 8,134. For New York, 300,527. For neighboring Vermont, 6,563.

If welfare were a smallish problem—if this were 1955, or even 1965—an argument could be made for turning the matter back to State Government. But it is now so large a problem that governments of the states in which it is most concentrated simply will not be able to handle it. On December 3rd, Lawrence Mead had an excellent article in the Washington Post in which he described the recent innovations in welfare policy, all provided under the Family Support Act, in Wisconsin. His article is entitled: "Growing a Smaller Welfare State: Wisconsin's Reforms Show That To Cut the Rolls, You Need More Bureaucrats."

It begins:

The Politicians debating welfare reform would have us believe that their efforts will greatly streamline the current system, help balance the nation's books and reverse the growing tide of unwed pregnancy among the poor. What they aren't telling us is that, at the state and local level, the federal cuts in the offing are apt to increase—not shrink—the size of the welfare bureaucracy.

Mead's point is one we understood perfectly at the time we enacted the Family Support Act. The cheapest thing to do with chronic welfare dependent families is simply to leave them as they are. Changing them in ways that Wilson speaks of is labor intensive, costly and problematic. A nice quality of the Wisconsin experiments is that job search begins the day an adult applies for welfare. But this takes supervision. Mead notes that high performing areas of the state "feature relentless followup of clients to see that they stay on track." The term client is important; it is a term of professional social work. This sort of thing is not for amateurs. Most importantly, he concludes:

Even with Wisconsin's successes so far, important questions remain unanswered: What happens to the people who were formerly on the welfare rolls? Are they better or worse off than before? Can they sustain themselves long term? Anecdotes don't suggest great hardship, but nobody knows for sure. And

what evidence is there that this approach can flourish in inner cities where the social problems are far more serious? In Milwaukee, which has half the state's welfare caseload, the success has been far more modest than in the rest of the state.

These questions need answers before a case can be made that Wisconsin is the model on which other states should base their reforms. But this much is clear: Wisconsin's fusion of generosity and stringency does represent what the voters say they're looking for.

In Milwaukee, 53 percent of children are on AFDC in the course of a year.

I have been taken to task for suggesting that the time limits in the House and Senate bills will produce a surge in the number of homeless children such that the current problem of the homeless will seem inconsequential. So be it; that is my view. I believe our present social welfare system is all but overwhelmed. Witness the death of Elisa Izquierdo in Brooklyn. If 39 percent of all children in New York City were on AFDC at some point in 1993, I would estimate that the proportion for Brooklyn would have been at least 50 percent, probably higher. Hundreds of thousands—I said hundreds of thousands—of these children live in households that are held together primarily by the fact of welfare assistance. Take that away and the children are blown to the winds. A December 6 administration analysis concludes that the welfare conference agreement will force 1.5 million children into poverty. To say what I have said before here in the Senate: The young males can be horrid to themselves, horrid to one another, horrid to the rest of us.

By way of example, or analogue, or what you will, I have frequently referred to the Federal legislation that commenced the deinstitutionalization of mental patients. I was present at the creation of this movement. Early in 1955, our former esteemed House colleague, Jonathan B. Bingham, at that time secretary to Governor Averell Harriman of New York brought Dr. Paul Hoch, the new commissioner of mental health, in to meet the Governor. I was present, along with Paul H. Appleby, the new budget director. Dr. Hoch, a wonderful, humane man of science, told of a new chemical treatment for mental illness which had been developed by Dr. Nathan Kline at Rockland State Hospital in the lower Hudson Valley. It had been tested clinically. Hoch proposed that it be given to all patients, throughout the New York mental hospital system, which then held some 94,000 patients. Today there are 8,000. Harriman asked what the program would cost. Hoch mentioned a sum in the neighborhood, as I recall, of $4 million. Harriman asked Appleby if he could find the money. Appleby, I cannot doubt having been cued by Bingham, replied that he could find it. Done. said Harriman, I am an investment banker and believe in investment. And so reserpine medication commenced.

Eight years later, on October 22, 1963, in his last public bill-signing ceremony at the White House, President John F. Kennedy signed the Community Health Center Construction Act of 1963. I was present, since I had worked on the legislation, and the President gave me a pen which I have in my hand here. We were going to empty out our great mental hospitals and treat patients in local community centers. We would build 2,000 by the year 1980, and thereafter one for each additional 100,000 persons in the population. Alas, we built some 400 centers, and then just forgot about our earlier plans. But we emptied out the hospitals. A decade or so later, the problem of the homeless appeared, to our general bafflement. I have commented that in New York, with our singular ability for getting problems wrong, homelessness has been defined as a problem of lack of affordable housing. We will very likely think up some equally misleading explanation for the growing numbers of homeless children when they appear, and so I would like to put this on the record now.

On December 3, a newspaper of considerable circulation did just this, however inadvertently. A long article on "welfare reform" was accompanied by a photograph of an overstuffed chair on which a broken, or battered doll had been placed. The caption read: "Republicans blame failed welfare policies for today's problems. Above, an easy chair at a Philadelphia homeless encampment." A photograph, I dread to say, of things to come.

Republicans must look to their own consciences. I would appeal to that of my own party. Last week, our distinguished majority leader, Senator BOB DOLE, stated that he hoped to bring welfare reform to the floor this week.

It is very likely next week there will also be a conference report on welfare reform. I think we have about concluded the conference. [T]he original bill passed in the Senate by a vote of 87 to 12. We believe we have retained most of the Senate provisions in the conference, and I ask my colleagues on both sides—this bill had strong bipartisan support—to take a close look.

Eighty-eight percent of the American people want welfare reform. We will have it on the floor, we hope, next week. We hope the President of the United States will sign it. In my view, it is a good resolution of differences between the House and the Senate. We still have one or two minor—well not minor—issues in disagreement we hope to resolve tomorrow, and then we hope to bring it up by midweek next week.

What is one to say? The Senate bill did indeed have "strong bipartisan support." If we do get a conference committee report, it will pass and will, I am confident, be vetoed. What I fear is that the repeal of the Social Security Act provision will return as part of a general budget reconciliation, and that bill will be signed into law. Should it do so, the Democratic Party will be to blame, and blamed it will be. It will never again be able to speak with any credibility to the central social issue of our age.

We will have fashioned our own coffin. There will be no flowers.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:20 pm., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 325. An act to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe, and for other purposes.

H.R. 1787. An act to amend the Federal Food, Drug, and Cosmetic Act to repeal the saccharin notice requirement.

The message also announced that the Speaker has signed the following enrolled bill:

ENROLLED BILLS SIGNED

S. 790. An act to provide for the modification or elimination of Federal reporting requirements.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

At 8:40 pm., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2076. An act making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

H. Con. Res. 42. A concurrent resolution supporting a resolution to the long-standing dispute regarding Cyprus.

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment and an amendment to the title:

S. 602. A bill to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of European countries emerging from communist domination.

By Mr. SIMPSON, from the Committee on Veterans Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 991. A bill to amend title 38, United States Code, and other statutes, to extend VA's authority to operate various programs, collect copayments associated with provision of medical benefits, and obtain reimbursement from insurance companies for care furnished.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 1465. A bill to extend au pair programs.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and an amended preamble:

S.J. Res. 43. A joint resolution expressing the sense of Congress regarding Wei Jingsheng; Gedhun Choekyi Nyima, the next Panchen Lama of Tibet; and the human rights practices of the Government of the People's Republic of China.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 14. A concurrent resolution urging the President to negotiate a new base rights agreement with the Government of Panama to permit United States Armed Forces to remain in Panama beyond December 31, 1999.

S. Con. Res. 25. A concurrent resolution concerning the protection and continued viability of the Eastern Orthodox Ecumenical Patriarchate.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Sandra J. Kristoff, of Virginia, for the rank of Ambassador during her tenure of service as U.S. Coordinator for Asia Pacific Economic Cooperation (APEC).

A. Peter Burleigh, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: A. Peter Burleigh.

Post: Ambassador to Sri Lanka and The Maldives.

Contributions, amount, date, and donee:

1. Self: $200, 5/93, HRCF; and $250 12/93, HRCF (Human Rights Campaign Fund).

2. Spouse, N/A.

3. Children and Spouses: N/A.

4. Parents: deceased.

5. Grandparents: deceased.

6. Brothers and Spouses: David P. Burleigh (and Mrs. Lougene Burleigh).

7. Sisters and Spouses: Ann Burleigh Boucher.

John Raymond Malott, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

The following is a list of all members of my immediate family and their spouses. I have asked each member of my immediate family to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained is this report is complete and accurate.

Nominee: John R. Malott.

Post: Malaysia.

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: Hiroko Malott, $100.00, 2-19-92, Paul Tsongas.

3. Children: David Malott, none. Rumi Malott, none.

4. Parents: Raymond Malott, none. Marian Malott, none.

5. Grandparents: all deceased, none.

6. Brothers and Spouses: Merle Barber: $400.00, 1990, MARPAC.[1] $400.00, 1991, MARPAC. $400.00, 1992, MARPAC. $400.00, 1993, MARPAC. $400.00, 1994, MARPAC.

Linda Barber: none.

Tom and Marsha Barber, none. Donald Malott, none.

7. Sisters and Spouses: Ruth Ann and William Henline, none. Kathryn and Maury Wulbrecht, none. Mary Jane and Harold McQueen, none. Margaret and Gordon Reuben, none.

Kenneth Michael Quinn, of Iowa, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Cambodia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Kenneth M. Quinn.

Post: Cambodia.

Contributions, amount, date, and donee:

1. Self, $500.00, Spring/Summer 92 Richard S. Williamson.

2. Spouse, LeSon Nguyen Quinn (joint contribution).

3. Children and Spouses: Davin Quinn, Shandon Quinn, and Kelly Quinn. None.

4. Parents: George K. Quinn—deceased. Marie T. Quinn—deceased.

5. Grandparents: Michael and Mary Farrell—deceased. Charles and Grace Quinn—deceased.

6. Brothers and Spouses: none.

7. Sisters and Spouses: Patricia and Andrew Kearney, none. Kathyrn and Martin Cravatta, none.

William H. Itoh, of New Mexico, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: William H. Itoh.

Post: Thailand.

Contributions, amount, date, and donee:

1. Self: $30.00, 10/19/92, DNC; $35.00, 2/28/93, DNC; $35.00, 12/27/93, DNC; $35.00, 12/27/94, DNC.

2. Spouse Melinda: none.

3. Children and Spouses: Charlotte: none. Caroline: none.

4. Parents: Vera M. Poage: deceased. K. Takashi Itoh: deceased.

5. Grandparents: deceased.

6. Brothers and Spouses: no siblings.

7. Sisters and Spouses: no siblings.

Frances D. Cook, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Sultanate of Oman.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Frances D. Cook.

Post: Ambassador, Sultanate of Oman.

Contributions, Amount, Date, and Donee:

1. Self, $50.00, 1989, Sen. Hatfield.

2. Spouse, N/A.

3. Children and Souses: N/A.

4. Parents: Names: Mrs. Vivian Cook, $50.00, 1992, Democratic National Committee for Clinton-Gore Election.

Names: Mr. Nash Cook (Deceased).

5. Grandparents: (Deceased).

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: N/A.

J. Stapleton Roy, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: J. Stapleton Roy.

Post: Ambassador to the Republic of Indonesia.

Contributions, date, donee, amount.

1. Self, J. Stapleton Roy, None.

2. Spouse, Elissandra Roy, None.

3. Children and Spouses: Names: Andrew, David, Anthony, none.

4. Parents: Names: Andrew T. Roy:

03/25/91—Dem Sen Campaign Com	$20
12/08/91—Dem Natl Com Fed Acct	$25
05/05/92—Dem Sen Campaign Com	$20
05/29/92—Dem Cong Campaign Com	$20
08/17/92—Dem Natl Com Fed Acct	$25
06/18/93—Dem Sen Campaign Com	$35
11/23/93—Dem Natl Com Fed Acct	$25
11/23/93—Dem Sen Campaign Com	$25
01/22/94—Dem Natl Com Fed Acct	$25
05/02/94—Dem Sen Campaign Com	$35
05/24/94—Dem Cong Campaign Com	$30
08/07/94—Dem Natl Com	$20
12/28/94—Dem Cong Campaign Com	$25
12/28/94—Dem Natl Com	$25
12/28/94—Dem Sen Campaign Com	$25
12/28/94—Penna Dem Victory Fund	$25

Names: Margaret C. Roy (deceased).

[1]MARPAC is a political action committee of Marriott corporation executives. My stepbrother Merle had no involvement in determining whom the recipients of the MARPAC funds would be, and he is unaware of what part of the fund was used to support candidates for Federal office.

5. Grandparents: Names: (deceased).

6. Brothers and Spouses: Names: David T. Roy, Barbara Roy, (joint), $35, 10/11/92, Dem Nat'l Com, $25, 02/01/94, Netsch for Governor, $25, 03/07/94, Dawn Clark Netsch, Campaign Com, $25, 06/01/94, Netsch for Governor.

7. Sisters and Spouses: None. Names: N/A.

Thomas W. Simons, Jr., of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Thomas W. Simons, Jr.

Post: Pakistan.

Contributions, Amount, Date, Donee.

1. Self, Thomas W., Jr., none.

2. Spouse, Margaret Q., none.

3. Children and Spouses: Names: Suzzane Deirdre and Benjamin Thomas, both unmarried, none.

4. Parents: Names: Thomas W. (deceased 1990), and Mary Jo Simons, none.

5. Grandparents: Names: All 4 deceased.

6. Brothers and Spouses; Names: No brothers.

7. Sisters and Spouses; Names: Sara R. and Richard Cohen, none.

Richard Henry Jones, of Nebraska, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Richard Henry Jones.

Post: Ambassador to Lebanon.

Contributions, amount, date, donee.

1. Self, none.

2. Spouse, none.

3. Children and Spouses:[1] Joseph A. W. Jones, none. Vera E. W. Jones, none. R. Benjamin W. Jones, none. M. Hope W. Jones, none.

4. Parents: Dailey M. Jones, none (deceased[2]). Sara N. Jones, none.

5. Grandparents: B.O. Jones, none (deceased[2]). E.M. Jones, none (deceased[2]). J.A. Nall, none (deceased[2]). E.M. Nall, none (deceased[2]).

6. Brothers and Spouses: Dailey M. Jones II, none. Irene E. Jones, none. Joseph N. Jones, none (deceased[2]).

7. Sisters and Spouses: Names, none.

[1] All children are unmarried.

[2] All deceased relatives died more than four years ago.

James Franklin Collins, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador at Large and Special Advisor to the Secretary of State for the New Independent States.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: James Franklin Collins.

Post: Ambassador-at-Large and Special Advisor to the Secretary for the New Independent States.

Contributions, date, donee, and amount.

1. Self, none.

2. Spouse: Dr. Naomi F. Collins Contributions:

09/90—Dollars for Democrats	$15.00
10/90—Dollars for Democrats	15.00
07/91—Dollars for Democrats	20.00
10/91—Mikulski for Senate	25.00
11/91—Emily's List	35.00
11/91—Maryland Right to Choice	25.00
01/92—Democratic National Committee	10.00
02/92—Feinstein for Senate	25.00
02/92—Boxer for Senate	25.00
02/92—Ferraro for Senate	25.00
02/92—Mikulski for Senate	25.00
04/92—Maryland Right to Choice	35.00
04/92—Braun for Senate	25.00
09/92—Precise donee unknown (fund to elect Women to the Senate)	50.00
06/92—Dollars for Democrats	15.00
01/93—Democratic National Committee	25.00
03/93—Dollars for Democrats	15.00
05/93—DCCC (Democratic Congressional Campaign Committee	15.00
06/93—Bruce Adams for County Council	25.00
10/93—Maryland Democrats	15.00
11/93—Nancy Kopp (candidate for State Legislature)	25.00
01/94—Women's Higher Education Fund	18.00
01/94—Democratic National Committee	25.00
03/94—Emily's List	30.00
03/94—Bruce Adams for County Council	25.00
03/94—Democratic National Committee	20.00
04/94—Elanor Carey for Attorney Gen 1994	25.00
05/94—Pat Williams	30.00
09/94—Nancy Kopp	25.00
09/94—Dollars for Democrats	25.00

3. Children and Spouses: Robert S. Collins, and Deborah Chew (spouse), none.

4. Parents: Johnathan C. Collins, none and Caroline C. Collins, none.

5. Grandparents: Harrison F. Collins, 09/92, John Crawford (Candidate for Illinois Rep.), $50.00, 1994, Democratic National Committee (Precise date and amount unknown), $10.00.

6. Brothers and Spouses: Jefferson C. Collins, none.

7. Sisters and Spouses: No sisters.

Charles H. Twining, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon.

Charles H. Twining, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Charles H. Twining.

Post: Ambassador to the Republic of Equatorial Guinea.

Contributions, amount, date, and donee.

1. Self, none.

2. Spouse, Irene Verann Metz Twining, none.

3. Children and Spouses: Daniel Twining, none. Steven Twining, none.

4. Parents: Charles Twining (deceased), Martha Twining, none.

5. Grandparents: Isaac and Sarah Twining (deceased), Harry Caples (deceased); Margaret Caples (none).

6. Brothers and Spouses: David and July Twining, none.

7. Sisters and Spouses: N.A.

James A. Joseph, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: James A. Joseph.

Post: Ambassador to South Africa.

Contributions, amount, date, and donee.

1. Self: $500, 8/17/92, DNC, $200, 3/17/92, DNC, 200, 6/24/94, DNC.

2. Spouse: Doris Joseph—Deceased.

3. Children and Spouses: Jeffery Joseph, none, Denise Joseph, none.

4. Parents: Adam Joseph—Deceased, Julia Joseph—deceased.

5. Grandparents: Deceased—names unknown.

6. Brothers and Spouses: John Joseph, none Katherine Joseph, none.

7. Sisters and Spouses: None.

Don Lee Gevirtz, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, and Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Don Gevirtz.

Post: Ambassador to Republic of Fiji.

Contributions, date, donee, and amount.

6/7/90—Jim Solomon—Congress	$500
11/1/90—Anita for Congress	300
4/22/91—Feinstein for Senate	1,000
1/3/92—Clinton for President	500
2/11/92—Feinstein for U.S. Senate	500
2/11/92—Lynn Schenk for Congress	1,000
2/24/92—Clinton for President	500
3/31/92—Huffington for Congress	500
4/17/92—Boxer for U.S. Senate	500
6/17/92—Lynn Schenk for Congress	1,000
7/6/92—Democratic Senatorial Campaign Committee	3,000
8/10/92—DNC Victory Fund	10,000
9/1/92—United Democratic Campaign Headquarters	300
10/5/92—Huffington for Congress	500
11/10/93—Democratic Senatorial Committee	10,000
11/10/93—Democratic Leadership Council	2,000
11/10/93—Feinstein for Senate	1,000
2/22/94—Walter Capps for Congress	1,000
4/4/94—Democratic Leadership Council	8,000

4/29/94—Joe Kennedy for Congress 1,000
5/1/92—Clinton for President 125
6/8/94—Walter Capps for Congress 1,000
9/1/94—Lynn Schenk for Congress 500
9/28/94—Tom Andrews for Congress 1,000
10/3/94—Lee Hamilton for Congress 250
2/7/95—Clinton Defense Fund 1,000
Spouse: Marilyn Gevirtz:
6/12/91—Feinstein for Senate $500
11/1/91—Campell for U.S. Senate 500
2/11/92—Feinstein for Senate 500
2/24/92—Clinton for President 300
4/1/92—Citizens for Joe Kennedy 500
4/14/92—Tom Lantos for Congress 100
5/20/92—Gloria Ochoa for Congress 500
8/1/92—English for Congress 100
8/1/92—Frankel for Congress 50
8/1/92—Mezvinsky for Congress 50
8/1/92—Margolis for Congress 100
9/7/92—Anita Perez Ferguson for Congress 100
9/14/92—Delores DaCosta for Congress 100
10/21/92—Democratic Senatorial Campaign Committee 5,000
11/10/93—Feinstein for Senate 1,000
2/2/94—Walter Capps for Congress 1,000
6/8/94—Walter Capps for Congress 1,000
9/28/94—Tom Andrews for Congress 1,000

3. Children and Spouses: Susan Gevirtz, Steven Gevirtz, Carrie Wicks, Kathy Frankel, Julie Warner, none.

4. Parents: Julia Gevirtz—none, Sydney Gevirtz, deceased.

5. Grandparents: Deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Sally Shafton, Robert Shafton, 1990–1995, Jane Harmon, $100.00.

Joan M. Plaisted, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Joan M. Plaisted.

Post: Ambassador to the Republic of the Marshall Islands and to the Republic of Kiribati.

Contribution, amount, date, and donee:

1. Self, none.

2. Spouse.

3. Children and spouses names.

4. Parents names, Lola M. Plaisted and Dr. Gerald A. Plaisted, none.

5. Grandparents names, Mr. and Mrs. Olaf Plaisted, deceased, Mr. and Mrs. Edward Peters, deceased.

6. Brothers and spouses names.

7. Sisters and spouses names, Pamela Lynn Plaisted; none, Joy Dawn Plaisted, none.

Jim Sasser, of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: James R. Sasser.

Post: Ambassador to the People's Republic of China.

Contribution, amount, date, and donee:

1. Self, $1,000, June 11, 1995, Kerry Committee; $1,000, August 10, 1995, Clinton-Gore '95.

2. Spouse, Mary B. Sasser, none.

3. Children and Spouses names, James Gray Sasser, none, Elizabeth B. Sasser, none.

4. Parents names, Mary Nell Sasser, none, Joseph Ralph Sasser, deceased.

5. Grandparents names, deceased.

6. Brothers and spouses names, none.

7. Sisters and spouses names, Jo Sasser O'Brien and Dennis O'Brien, $1000 (primary), $1000 (general), July 11, 1994, Friends of Jim Sasse.

FRIENDS OF JIM SASSER CONTRIBUTIONS

Democratic Senatorial Campaign Committee, 5/3/90 ..... $1,000
Tennessee Democratic Party, 6/12/90 .. 1,000
Hoosiers for Tim Roemer, 10/17/90 1,000
Tennessee Democratic Party, 9/28/90 .. 500
Victory 90 Rhode Island, 10/29/90 1,000
Tennessee Democratic Party, 6/1/91 ... 1,000
Citizens for Senator Wofford, 8/1/91 1,000
Tennessee Democratic Party, 5/26/92 .. 1,000
Democratic Senatorial Campaign Committee, 10/20/92 15,000
David Davis for Congress, 9/24/92 1,000
Wyche Fowler for Senate, 11/18/92 1,000
"Unity '92—Federal", 12/23/92 1,000
Tennessee Democratic Party, 7/2/93 ... 1,000
Tennessee Democratic Party, 10/94 60,750
Tennessee Democratic Party, 8/26/94 .. 1,000
Tennessee Democratic Party, 9/21/94 .. 850

LEADERSHIP FOR THE FUTURE CONTRIBUTIONS

Lieberman '94, 8/28/94 ..... $1,000
Oberly for Senate, 7/28/94 1,000
Friends of Tom Andrews, 7/28/94 1,000
Jack Mudd for U.S. Senate, 7/28/94 1,000
Moynihan Committee, 7/28/94 1,000
Sullivan for Senate, 8/3/94 1,000
Lautenberg Committee, 7/15/94 1,000
A Lot of People Who Support Jeff Bingaman, 7/15/94 1,000
Ann Wynia for U.S. Senate, 7/15/94 1,000
Ann Wynia for U.S. Senate, 7/28/94 1,000
Democratic Senatorial Campaign Committee, 7/28/94 5,000
McCurdy for Senate, 8/4/94 1,000
Citizens for Sarbanes, 8/22/94 2,000
Oberly for Senate, 8/25/94 1,000
Friends of Jim Cooper, 9/15/94 1,000
Tennessee Democratic Party, 9/15/94 .. 5,000
Congressman Bart Gordon Committee, 9/15/94 1,000
Harold Byrd for Congress, 9/19/94 1,000
Jeff Whorley for Congress, 9/19/94 1,000
McCurdy for Senate, 9/27/94 1,000
Sims for Senate, 10/6/94 1,000
Coppersmith for Senate, 10/6/94 1,000
Randy Buttons for Congress, 10/21/94 1,000
Dianne Feinstein for Senate, 10/27/94 1,000
Campaign 94–Federal Account, 10/28/94 5,000
Wyoming Co-Ordinated Party, 11/3/94 1,000
New Mexico Democratic Party, 11/3/94 2,000
Sullivan for Senate, 11/3/94 1,000
Montana Democratic Party, 11/3/94 3,000
Oklahoma Democratic Party, 11/3/94 3,000
National Council for Senior Citizens, 11/3/94 5,000

David P. Rawson, of Michigan, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: David P. Rawson.

Post: Bamako, Republic of Mali.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, none.

3. Children and Spouses names, Christina Rawson, none, David J. Rawson, none.

4. Parents names, Amos P. Rawson, none, Lola M. Rawson, deceased.

5. Grandparents names, Edward and Helen Rawson, deceased, Howard and Mary Moore, deceased.

6. Brothers and spouses names, Edward and Joan Rawson, none. Perry and Carol Rawson, $25, summer of '92, to a candidate for Democratic primary election in Oregon to the US Senate; he cannot recall the candidate's name.

7. Sisters and spouses names, none.

Gerald Wesley Scott of Oklahoma, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Gerald Wesley Scott.

Post: Banjul, The Gambia.

Contributions, amount, date and donee:

1. Self, amounts of $150, February 1991, March 1992, October 1992, December 1994 and of $100, August 1992 and March 1994, All to the Republican National Committee.

2. Spouse, Frances H. Scott, none.

3. Children and spouses names: Charles Alan Scott and Michael Tacon Scott, both are minors, unmarried and have made no contributions.

4. Parents names, Charles Wesley Scott (deceased) and Dorothy Scott, no contributions made.

5. Grandparents names, William and Georgia Scott; Henry and Mary Heidlage, All deceased for over fifteen years.

6. Brothers and spouses names, Charles Michael Scott and Susan Scott, $50 on July 15, 1994 to the Rob Johnson for Congress campaign.

7. Sisters and spouses names, Joan Tucker and Lyndell Tucker, $20 on January 24, 1995 and March 27, 1995 to the Republican Nat. Committee.

Ralph R. Johnson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Slovak Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Ralph R. Johnson.

Post: Slovak Republic.

Contributions, Amount, Date, and Donee:

1. Self: Ralph Johnson, none.

2. Spouse: Ann Johnson, none.

3. Children and Spouses: Names: David and Timothy Johnson, none.

4. Parents: Names: Ralph W. Johnson, deceased and Margaret Johnson, deceased.

5. Grandparents: Names: Deceased.

6. Brothers and Spouses: Names: Thomas and Pat Johnson, $180, 1992, Clinton for President ($30), Clinton/Gore Compliance Fund ($150), $50, 1994, Ron Sims for Senate; and $50, 1995, Clinton/Gore 1996 Parkway.

7. Sisters and Spouses: Names: none.

Robert E. Gribbin III, of Alabama, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Robert E. Gribbin III.

Post: Rwanda.

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, none.

3. Children and Spouses: Names: Matt and Mark, none.

4. Parents: Names: Elsie and Emmet Gribbin, none.

5. Grandparents: Names: Deceased.

6. Brothers and Spouses: Names: Joe and Jane Gribbin, none and Scott and Paula Gribbin, none.

7. Sisters and Spouses: Names: Alice and Newt Allen, none and Millie and John Tucker, none.

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably four nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORDS of September 5, September 22, and October 31, 1995, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of September 5, 22, and October 31, 1995, at the end of the Senate proceedings.)

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

ROBERT L. GELBARD, OF NEW YORK

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

EDWARD GORDON ABINGTON, JR., OF FLORIDA
RICHARD A. BOUCHER, OF MARYLAND
WILLIAM D. CLARKE, OF MARYLAND
RUST M. DEMING, OF THE DISTRICT OF COLUMBIA
DONALD WILLIS KEYSER, OF VIRGINIA
RUSSELL F. KING, OF CALIFORNIA
DANIEL CHARLES KURTZER, OF FLORIDA
JOHN MEDEIROS, OF NEW YORK
BERNARD C. MEYER, M.D., OF FLORIDA
BRUCE T. MULLER, M.D., OF MICHIGAN
RONALD E. NEUMANN, OF VIRGINIA
RUDOLF VILEM PERINA, OF CALIFORNIA
ROBIN LYNN RAPHEL, OF WASHINGTON
SIDNEY V. REEVES, OF TEXAS
CHARLES PARKER RIES, OF TEXAS
NANCY H. SAMBAIEW, OF TEXAS
RICHARD J. SHINNICK, OF NEW YORK
C. DAVID WELCH, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

MARSHA E. BARNES, OF KENTUCKY
MARK M. BOULWARE, OF TEXAS
JACQUELYN OWENS BRIGGS, OF MICHIGAN
WILLIAM RIVINGTON BROWNFIELD, OF TEXAS
STEVEN A. BROWNING, OF TEXAS
R. NICHOLAS BURNS, OF NEW HAMPSHIRE
JOHN PATRICK CAULFIELD, JR., OF NEW JERSEY
RICHARD A. CHRISTENSON, OF WISCONSIN
GENE BURL CHRISTY, OF TEXAS
JOHN ALBERT CLOUD, JR., OF VIRGINIA
ROGER J. DALEY, OF NEW YORK
ROBERT EMMETT DOWNEY, OF NEW JERSEY
JAMES J. EHRMAN, OF WISCONSIN
DANIEL TED FANTOZZI, OF VIRGINIA
MICHAEL F. GALLAGHER, OF PENNSYLVANIA
BRUCE N. GRAY, OF CALIFORNIA
JON GUNDERSEN, OF NEW YORK
DOUGLAS ALAN HARTWICK, OF WASHINGTON
CAROLEE HEILEMAN, OF NEBRASKA
CHRISTOPHER ROBERT HILL, OF RHODE ISLAND
SUSAN S. JACOBS, OF MICHIGAN
RICHELE KELLER, OF SOUTH CAROLINA
LAURA-ELIZABETH KENNEDY, OF VIRGINIA
JOHN W. LIMBERT, OF VERMONT
WAYNE K. LOGSDON, OF WASHINGTON
THOMAS A. LYNCH, JR., OF VIRGINIA
FREDERIC WILLIAM MAERKLE III, OF CALIFORNIA
MICHAEL E. MALINOWSKI, OF ILLINOIS
S. AHMED MEER, OF MARYLAND
MICHAEL D. METELITS, OF CALIFORNIA
DAVID FRANCIS ROGUS, OF NEW YORK
VLADIMIR PETER SAMBAIEW, OF TEXAS
BRENDA BROWN SCHOONOVER, OF CALIFORNIA
DEBORAH RUTH SCHWARTZ, OF MARYLAND
CHARLES S. SHAPIRO, OF GEORGIA
CATHERINE MUNNELL SMITH, OF CONNECTICUT
JOAN VERONICA SMITH, OF THE DISTRICT OF COLUMBIA
JAMES WEBB SWIGERT, OF VERMONT
GRETCHEN GERWE WELCH, OF CALIFORNIA
STEVEN J. WHITE, OF FLORIDA
NICHOLAS M. WILLIAMS, OF NEW YORK

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ARNOLD JACKSON CRODDY, JR., OF MARYLAND
SCOTT MARK KENNEDY, M.D., OF CALIFORNIA
FREDERICK M. KRUG, OF NEW JERSEY
THOMAS LAWMAN LUCAS, M.D., OF FLORIDA
ERIC RALPH RIES, OF FLORIDA
JAMIE SUAREZ, M.D., OF LOUISIANA
JAMES VANDERHOFF, OF TEXAS
JOHN G. WILLIAMS JR., M.D., OF MAINE
SANDRA L. WILLIAMS, OF MARYLAND

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

PAULA O. GODDARD, OF VIRGINIA

DEPARTMENT OF COMMERCE

PETER BOHEN, OF PUERTO RICO

DEPARTMENT OF STATE

ROBERT E. DAVIS, OF WASHINGTON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

MARGARET CORKERY, OF THE DISTRICT OF COLUMBIA
RICHARD REED, OF WASHINGTON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

OLA CRISS, OF VIRGINIA
PAUL PETER POMETTO II, OF THE DISTRICT OF COLUMBIA
JOYCE VESTA SEWNARINE, OF MARYLAND
ROSA MARIA WHITAKER, OF THE DISTRICT OF COLUMBIA
TERRENCE K.H. WONG, OF WASHINGTON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

GEORGE WILLIAM ALDRIDGE, OF TEXAS
CAROLYN P. ALSUP, OF FLORIDA
DOUGLAS J. APOSTOL, OF VIRGINIA
CONSTANCE C. ARVIS, OF CALIFORNIA
ANTONIA JOY BARRY, OF PENNSYLVANIA
PAMELA MARIE BATES, OF OHIO
VIRGINIA LYNN BENNETT, OF GEORGIA
MARK W. BOCCHETTI, OF MISSOURI
STEVEN C. BONDY, OF FLORIDA
DAVID W. BOYLE, OF VIRGINIA
SANDRA HAMILTON BRITO, OF ARIZONA
NATALIE EUGENIA BROWN, OF VIRGINIA
ANGIE BRYAN, OF TEXAS
JENNIFER LEE CATHCART, OF OHIO
PATRICK LIANG CHOW, OF NEW YORK
MARK DANIEL CLARK, OF ARIZONA
DAVID C. CONNELL, OF THE DISTRICT OF COLUMBIA
GENE CRAIG COOMBS, OF NORTH CAROLINA
ANDREW DAVID CRAFT, OF IOWA
KATHLEEN L. CUNNINGHAM, OF IOWA
CHRISTIAN R. DE ANGELIS, OF NEW JERSEY
MATTHEW BEDFORD DEVER, OF THE DISTRICT OF COLUMBIA
PUSHPINDER S. DHILLON, OF OREGON
WILLIAM D. DOUGLASS, OF NEVADA

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

ROBERT L. GELBARD, OF NEW YORK

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

EDWARD GORDON ABINGTON, JR., OF FLORIDA
RICHARD A. BOUCHER, OF MARYLAND
WILLIAM D. CLARKE, OF MARYLAND
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RUSSELL F. KING, OF CALIFORNIA
DANIEL CHARLES KURTZER, OF FLORIDA
JOHN MEDEIROS, OF NEW YORK
BERNARD C. MYERS, M.D., OF FLORIDA
BRUCE T. MULLER, M.D., OF MICHIGAN
RONALD NEUMANN, OF VIRGINIA
RUDOLF VILEM PERINA, OF CALIFORNIA
ROBIN LYNN RAPHEL, OF WASHINGTON
SIDNEY V. REEVES, OF TEXAS
CHARLES PARKER RIES, OF TEXAS
NANCY H. SAMBAIEW, OF TEXAS
RICHARD J. SHINNICK, OF NEW YORK
C. DAVID WELCH, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

MARSHA E. BARNES, OF KENTUCKY
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STEVEN J. WHITE, OF FLORIDA
NICHOLAS M. WILLIAMS, OF NEW YORK

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

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ERIC RALPH RIES, OF FLORIDA
JAMIE SUAREZ, M.D., OF LOUISIANA
JAMES VANDERHOFF, OF TEXAS
JOHN G. WILLIAMS JR., M.D., OF MAINE
SANDRA L. WILLIAMS, OF MARYLAND
WILLIAM HUIE DUNCAN, OF TEXAS
MAEVE SIOBHAN DWYER, OF MARYLAND
CARI ENAV, OF NEW YORK

STEPHANIE KAY ESHELMAN, OF THE DISTRICT OF COLUMBIA
MICHELLE MARIE ESPERDY, OF PENNSYLVANIA
JANICE RUTH FAIR, OF TEXAS
MOLLY FAYEN, OF ARIZONA
PAUL STEVEN FOLDI, OF DELAWARE
ELEANORE M. FOX, OF CALIFORNIA
MARK EDWARD FRY, OF MICHIGAN
GREGORY D.S. FUKUTOMI, OF CALIFORNIA
MEGAN MARIE GAAL,OF CALIFORNIA
RICHARD B. GAFFIN III, OF ARIZONA
KATHRYN SCHMICH GELNER, OF MISSOURI
BONNIE GLICK, OF ILLINOIS
REBECCA ELIZA GONZALES, OF TEXAS
FORREST J. GOULD, OF NEW HAMPSHIRE
TRACY ALAN HALL, OF NORTH CAROLINA
DAVID E. HANZLIK, OF ILLINOIS
PETER X. HARDING, OF MASSACHUSETTS
JOHN PETER HIGGINS, OF MINNESOTA
MARK T. HILL, OF SOUTH DAKOTA
DAVID ANDREW HODGE, OF TEXAS
MICHAEL W. HOFF, OF CALIFORNIA
EVAN T. HOUGH, OF FLORIDA
JEREMIAH H. HOWARD, OF NEW JERSEY
STEPHEN A. HUBLER, OF PENNSYLVANIA
AUDREY BONITA HUON-DUMENTAT, OF ILLINOIS
ANDREW GRISWOLD HYDE, OF CALIFORNIA
COLLEEN ELIZABETH HYLAND, OF NEW HAMPSHIRE
ANN LANG IRVINE, OF MARYLAND
OLIVER BRAINARD JOHN, OF VIRGINIA
EDWARD B. JOHNS, JR., OF PENNSYLVANIA
JILL JOHNSON, OF CALIFORNIA
MARGARET FRANCES JUDY, OF OREGON
JOHYN LINUS JUNK, OF FLORIDA
CHRISTOPHER KAVANAGH, OF ILLINOIS
ERIC RANDALL KETTNER, OF CALIFORNIA
MARC DANIEL KOEHLER, OF CALIFORNIA
GREGORY F. LAWLESS, OF CALIFORNIA
JILL CATHERINE LUNDY, OF VIRGINIA
PAUL RAMSEY MALIK, OF CALIFORNIA
CAROLINE BRADLEY MANGELSDORF, OF CALIFORNIA
MARYANNE THERESE MASTERSON, OF VIRGINIA
CARYN R. MCCLELLAND, OF CALIFORNIA
RICHARD MARSHALL MCCRENSKY, OF VIRGINIA
JANE S. WILSON MESSENGER, OF VIRGINIA
DAVID SLAYTON MEALE, OF VIRGINIA
KIN WAH MOY, OF MINNESOTA
ANN G. O'BARR-BREEDLOVE, OF GEORGIA
JULIE ANNE O'REAGAN, OF TEXAS
LESLIE MARIE PADILLA, OF NEW MEXICO
JAMES M. PEREZ, OF FLORIDA
MIRA PIPLANI, OF VIRGINIA
SARA ELLEN POTTER, OF VERMONT
DAVID J. RANZ, OF NEW YORK
JOHN THOMAS RATH, OF TEXAS
CHRISTOPHER E. RICH, OF MARYLAND
SCOTT LAIRD ROLSTON, OF FLORIDA
J. BRINTON ROWDYBUSH, OF OHIO
SUSAN LAURA RUFFO, OF WASHINGTON
JULIE RUTERBORIES, OF TEXAS
MICHAEL D. SCANLAN, OF PENNSYLVANIA
JOHN PAUL SCHUTTE, OF NEBRASKA
DAVID L. SCOTT, OF TEXAS
STEPHEN M. SCHWARTZ, OF NEW YORK
JANET DAWN SHANNON, OF WASHINGTON
CECILE SHEA, OF NEVADA
GRACE WHITAKER SHELTON, OF GEORGIA
KENT C. SHIGETOMI, OF WASHINGTON
ROBERT SILBERSTEIN, OF VIRGINIA
CHARLES SKIPWITH SMITH, OF WASHINGTON
MARTIN HENRY STEINER, OF CALIFORNIA
MARGARET L. TAMS, OF COLORADO
JOHN STEPHEN TAVENNER, OF TEXAS
LISA L. TEPPER, OF COLORADO
BRIAN THOMAS WALCH, OF NEW JERSEY
JAMES MICHAEL WALLER, OF MISSOURI
ROBERT WARD, OF VIRGINIA
JAN LIAM WASLEY, OF NEW JERSEY
MYLES E. WEBER, OF MINNESOTA
DAVID J. WHIDDON, OF GEORGIA
ERIC PAUL WHITAKER, OF CALIFORNIA
LYNN M. WHITLOCK, OF PENNSYLVANIA
JOHN KING WHITTLESEY, OF FLORIDA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JORGAN K. ANDREWS, OF COLORADO
ROBERT D. BANNERMAN, OF MARYLAND
ERIC BARBORIAK, OF WISCONSIN
AMBER M. BASKETTE, OF FLORIDA
KEREM SERDAR RILGE, OF CALIFORNIA
KAREN M. BLACK, OF NEW YORK
BERYL C. BLECHER, OF MARYLAND
IAN P. CAMPBELL, OF CALIFORNIA
THEODORE R. COLEY, OF PENNSYLVANIA
J.A. DIFFILY, OF CALIFORNIA
PETER T. ECKSTROM, OF MINNESOTA
MATTHEW A. FINSTON, OF ILLINOIS
CALLI FULLER, OF TEXAS
CLEMENT R. GAGNE, III, OF MARYLAND
GORY A. GENNARO, OF VIRGINIA
HENRY GRADY GATLIN, III, OF FLORIDA
BINH D. HARDESTY, OF VIRGINIA
J. MARINDA HARPOLE, OF THE DISTRICT OF COLUMBIA
KATHARINE MCCALLIE COCHRANE HART, OF VIRGINIA
MARGARET R. HORAN, OF THE DISTRICT OF COLUMBIA
M. ALLISON INSLEY, OF GEORGIA
PAM R. JENOFF, OF NEW JERSEY
JAN LEVIN, OF NEW YORK
ERVIN JOSE MASSINGA, OF WASHINGTON
IAN JOSEPH MCCARY, OF NEW YORK
MICHAEL L. MCGEE, OF ALABAMA
JANICE C. MCHENRY, OF VIRGINIA
SHARON F. MUSSOMELI, OF VIRGINIA
ROBERT LOUIS NELSON, OF VIRGINIA
DAVID TIMOTHY NOBLES, OF CALIFORNIA
MICHELLE L. O'NEILL, OF THE DISTRICT OF COLUMBIA
CARLA PANCHECO, OF CALIFORNIA
DAVID WILLIAM PITTS, OF VIRGINIA
BRETT GEORGE POMAINVILLE, OF COLORADO
BRIAN B. RHEE, OF VIRGINIA
STEVEN C. RICE, OF WYOMING
ROBERT J. RILEY, OF WASHINGTON
PETER THORIN, OF WASHINGTON
HARRY L. TYNER, OF VIRGINIA
ROBERT A. WEBER, OF FLORIDA
ALAN CURTIS WONG, OF CALIFORNIA
ROBERT EUGENE WONG, OF NEW YORK

THE FOLLOWING-NAMED INDIVIDUAL FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE NOVEMBER 28, 1993:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DEPARTMENT OF STATE

MICHAEL RANNEBERGER, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

CAROL A. PEASLEY, OF CALIFORNIA
CHARLES F. WEDEN, JR., OF VIRGINIA
JOHN R. WESTLEY, OF THE DISTRICT OF COLUMBIA
AARON S. WILLIAMS, OF VIRGINIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

KEITH E. BROWN, OF VIRGINIA
MYRON GOLDEN, OF OHIO
JOSEPH B. GOODWIN, OF MISSOURI
WILLIAM T. OLIVER, JR., OF VIRGINIA
CYNTHIA F. ROZELL, OF CALIFORNIA
BARBARA P. SANDOVAL, OF VIRGINIA
KENNETH G. SCHOFIELD, OF THE DISTRICT OF COLUMBIA
WILBUR G. THOMAS, OF OKLAHOMA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ANNE H. AARNES, OF WASHINGTON
GLENN E. ANDERS, OF FLORIDA
GRANT WILLIAM ANDERSON, OF THE DISTRICT OF COLUMBIA
LILIANA AYALDE, OF MARYLAND
PATRICIA K. BUCKLES, OF FLORIDA
JONATHAN M. CONLY, OF PENNSYLVANIA
J. MICHAEL DEAL, OF CALIFORNIA
DIRK WILLEM DIJKERMAN, OF NEW YORK
KENNETH C. ELLIS, OF VIRGINIA
PAULA FEENEY, OF WEST VIRGINIA
LINDA RAE GREGORY, OF FLORIDA
TOBY L. JARMAN, OF VIRGINIA
EDWARD L. KADUNC, OF FLORIDA
DONALD G. KEENE, OF CALIFORNIA
GAIL M. LECCE, OF VIRGINIA
MARY L. LEWELLEN, OF NEVADA
LEWIS W. LUCKE, OF TEXAS
DONALD R. MACKENZIE, OF FLORIDA
TIMOTHY M. MAHONEY, OF VIRGINIA
LAURIER D. MAILLOUX, OF THE DISTRICT OF COLUMBIA
DESAIX B. MYERS III, OF CALIFORNIA
WALTER E. NORTH, OF WASHINGTON
THOMAS E. PARK, OF THE DISTRICT OF COLUMBIA
DONALD L. PRESSLEY, OF VIRGINIA
EMMY B. SIMMONS, OF VIRGINIA
MARCUS L. STEVENSON, OF MARYLAND
KAREN D. TURNER, OF THE DISTRICT OF COLUMBIA
RONALD E. ULLRICH, OF VIRGINIA
ALAN E. VAN EGMOND, OF MARYLAND

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SARAH S. OLDS, OF PENNSYLVANIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

HENRY LEE BARRETT, OF CALIFORNIA
CAROL E. CARPENTER-YARMAN, OF CALIFORNIA
JOHN R. MORGAN, OF TENNESSEE
DOUGLAS WYLIE PALMER, OF WASHINGTON
WILLIAM R. PARISH III, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

PETER H. DELP, OF CALIFORNIA
MARGARET LORRAINE DULA, OF CALIFORNIA
TAMERA ANN FILLINGER, OF CALIFORNIA
NANCY J. LAWTON, OF VIRGINIA
MICHAEL E. SARHAN, OF ARKANSAS
MARY EDITH SCOVILL, OF VIRGINIA
DEE ANN SMITH, OF VIRGINIA
JAMES E. VERMILLION, OF FLORIDA
MICHAEL F. WALSH, OF PENNSYLVANIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ELLIS MERRILL WALKER ESTES, OF CALIFORNIA
ALONZO SIBERT, OF THE DISTRICT OF COLUMBIA

AGENCY FOR INTERNATIONAL DEVELOPMENT

EMMANUEL BRUCE-ATTAH, OF TENNESSEE
JOSEPH L. DORSEY, OF TEXAS
STEVEN KENNETH DOSH, OF MARIANA ISLANDS
MARSHALL W. HENDERSON, OF CALIFORNIA
MARYANNE HOIRUP-BACOLOD, OF CALIFORNIA
EDITH I. HOUSTON, OF TEXAS
CYNTHIA J. JUDGE, OF OREGON
CEOPUS KENNEDY, OF ALABAMA
JEFFREY RANDALL LEE, OF VIRGINIA
RAYMOND L. LEWMAN, OF WASHINGTON
JENNIFER NOTKIN, OF MASSACHUSETTS
DIANE L. RAWL, OF VIRGINIA

DEPARTMENT OF AGRICULTURE

DAVID W. COTTRELL, OF FLORIDA

UNITED STATES INFORMATION AGENCY

MYUNGSOO MAX KWAK, OF MARYLAND

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

SENECA ELIZABETH JOHNSON, OF IDAHO
LAWRENCE J. KAY, OF IOWA
W. HOWIE MUIR, OF CONNECTICUT

UNITED STATES INFORMATION AGENCY

JOSEPH A. BOOKBINDER, OF NEW YORK
JAMES GREGORY CHRISTIANSEN, OF VIRGINIA
JENNIFER L. DENHARD, OF MARYLAND
KATHERINE HOWARD, OF MICHIGAN
MAURA MARGARET KENISTON, OF NEW YORK
JOSEPH PATRICK KRUZICH, OF OREGON
PHILIP THOMAS REEKER, OF NEW YORK
MICHAEL WILLIAM STANTON, OF VIRGINIA
RODNEY MATTHEW THOMAS, OF RHODE ISLAND
MARK TONER, OF PENNSYLVANIA
DALE EDWARD WEST, OF TEXAS
KATHERINE L. WOOD, OF VIRGINIA
JULIET WURR, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SERGE M. ALEKSANDROV, OF MARYLAND
LORI H. ALVORD, OF WISCONSIN
CHARLES S. BAXTER, OF VIRGINIA
DAVID A. BLOCK, OF VIRGINIA
CHESTER WINSTON BOWIE, OR MARYLAND
STEPHEN CRAIG BRADLEY, OF VIRGINIA
KIP ANDREW BRAILEY, OF VIRGINIA
STEPHANIE LYNN BRITT, OF VIRGINIA
MARC R. CARDWELL, OF VIRGINIA
THEODORE D. CARLSON, OF VIRGINIA
STACEY T. COSTLEY, OF MARYLAND
JONATHAN S. DALBY, OF VIRGINIA
DOLLIE N. DAVIS, OF MARYLAND
HELEN DAVIS-DELANEY, OF MARYLAND
CLAUDIA N. DEVERALL, OF VIRGINIA
PAUL R. FELDTMOSE, OF MARYLAND
KERRY L. GAFNEY, OF VIRGINIA
MARC T. GALKIN, OF VIRGINIA
FELIX GONZALEZ, OF VIRGINIA
DAMIAN THOMAS GULLO, OF VIRGINIA
BRUCE R. HARRIS, JR., OF VIRGINIA
ANGE BELLE HASSINGER, OF THE DISTRICT OF COLUMBIA
MARGARET H. HENOCH, OF THE DISTRICT OF COLUMBIA
ROBERT DOUGLAS JENKINS, OF VIRGINIA
RICHARD HILL JOHNSON, OF VIRGINIA
KEITH PATRICK KELLY, OF MICHIGAN
DAVID P. LAWLOR, OF VIRGINIA
STEVEN JON LEVAN, OF VIRGINIA

KEVIN G. LEW, OF VIRGINIA
ALAN LONG, OF VIRGINIA
SHARON ANN LUNDAHL, OF VIRGINIA
DEAN PETERSON, OF SOUTH DAKOTA
MICHAEL H. RAMSEY, OF VIRGINIA
E. ELIZABETH SALLIES, OF THE DISTRICT OF COLUMBIA
LINDA M. SIPPRELLE, OF VIRGINIA
RODNEY D. SMITH, OF VIRGINIA
HARRY L. TYNER, OF VIRGINIA

(THE ABOVE NOMINATIONS WERE REPORTED WITH THE RECOMMENDATION THAT THEY BE CONFIRMED, SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEFLIN:

S. 1468. A bill to extend and improve the price support and production adjustment program for peanuts, to establish standards for the inspection, handling, storage, and labeling of all peanuts and peanut products sold in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN (for himself and Mrs. FEINSTEIN):

S. 1469. A bill to extend the United States-Israel free trade agreement to the West Bank and Gaza Strip; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. ROTH, and Mr. DOLE):

S. 1470. A bill to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 1471. A bill to make permanent the program of malpractice coverage for health centers under the Federal Tort Claims Act, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEFLIN:

S. 1468. A bill to extend and improve the price support and production adjustment program for peanuts, to establish standards for the inspection, handling, storage, and labeling of all peanuts and peanut products sold in the United States, and for other purposes, to the Committee on Agriculture, Nutrition, and Forestry.

THE HEFLIN-ROSE PEANUT IMPROVEMENT ACT OF 1995

• Mr. HEFLIN. Mr. President, I introduce the Heflin-Rose Peanut Program Improvement Act of 1995.

Auburn University recently released a study based on the same economic impact model employed by the Base Closure and Realignment Commission to determine the effects of various proposals that were being considered before the Lugar-Armey peanut program compromise was reached and made part of the Roberts farm bill, which is part of the budget reconciliation bill. Using the figures and calculations of the Auburn report, the Lugar-Armey compromise would result in an industry-wide, negative economic impact totalling $375 million and will cause the loss of 5,400 jobs throughout the peanut industry.

While the Lugar-Armey compromise is touted as an effort to achieve a no-net-cost program, in reality it will cost taxpayers $60 million over 7 years. As a matter of fact, the Lugar-Armey compromise actually kills the program over 7 years, encourages peanut imports, and cuts peanut farmer income by nearly 30 percent.

Congressman CHARLIE ROSE and I have worked on a peanut program which we feel is a much better bill. This proposal guarantees a no-net-cost program saves some $43 million above what the Lugar-Armey compromise saved. Our cost savings come from making foreign importers of peanuts pay the same assessments that U.S. peanut farmers have to pay and uses this money to offset the cost of the peanut program. In addition, to imposing assessments on importers, our proposal directs that the NAFTA and GATT revenue derived from imported peanuts go toward paying for the peanut program rather than reducing farmer income.

The Heflin-Rose peanut program refrains from reducing farmer income by cutting the loan rate, and therefore, maintains the current law loan rate for quota and additional peanuts. Unlike the Lugar-Armey peanut program, which would allow unlimited cross-country transfers, the Heflin-Rose bill also measure infrastructure stability by permitting only limited transfers across county lines.

Furthermore, our legislation addresses health and food safety concerns due to the increased level of imports resulting from GATT and NAFTA. The American peanut farmer is held to the highest safety and inspection levels of any domestically-produced commodity. To not require at least an equivalent level of protection from foreign-grown peanuts jeopardizes American consumers.

For example, the Heflin-Rose bill requires that foreign-grown peanuts be inspected to determine whether or not they were produced with pesticides and other chemicals banned for use in this country. This legislation applies the same standards for quality, freedom from aflatoxin and procedures for the inspection and entry of imported peanuts that currently apply to domestically-produced peanuts under Marketing Agreement No. 146.

Peanut farmers strongly support achieving a no-net-cost peanut program. However, this goal can be achieved without slashing farmer income and with consideration to the economic costs on the communities that work and depend on the production of peanuts. If the Republicans are serious about deficit reduction, then this is a plan that saves a significant amount above their proposal, ensures a no-net-cost peanut program, and preserves farmer income while safeguarding American consumers with food safety provisions for imported peanuts and peanut products.•

By Mr. MCCAIN (for himself, Mr. ROTH, and Mr. DOLE)

S. 1470. A bill to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, and for other purposes; to the Committee on Finance.

THE SENIOR CITIZENS FREEDOM TO WORK ACT OF 1995

• Mr. ROTH. Mr. President, today, with Senator MCCAIN, I am introducing the Senior Citizens' Freedom to Work Act. This bill raises the Social Security earnings limit for workers age 65 to 69 to $30,000 by the year 2002. I am happy to say that this increase in the earnings limit is fully paid for over the 7-year period. In addition, this bill will protect the Social Security trust fund from disinvestment or underinvestment by the Secretary of the Treasury or any other Federal officials.

Under current law, seniors in this age group, who earn more than $11,280 this year, are penalized by forfeiting $1 for every $3 they earn over that limit. When coupled with other Federal taxes, these workers who earn above this $11,280 mark face a 56-percent marginal tax rate.

As I have often said, this is not fair. The earnings penalty sends a message to senior citizens that we no longer value their experience and expertise in the work force. I am happy to introduce this legislation that will provide equity to these hard-working seniors.

I must note that a large part of the credit for this legislation in the Senate is due to the efforts of the senior Senator from Arizona, Senator JOHN MCCAIN, who has tirelessly championed this cause. I thank him for his work on this issue.•

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 1471. A bill to make permanent the program of malpractice coverage for health centers under the Federal Tort Claims Act, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL TORT CLAIMS ACT MALPRACTICE COVERAGE FOR HEALTH CENTERS EXTENSION ACT OF 1995

Mr. HATCH. Mr. President, today Senator KENNEDY and I are pleased to introduce S. 1471, the Federal Tort Claims Act Malpractice Coverage for Health Centers Extension Act of 1995. Our bill will make permanent an exemption in current law that provides medical malpractice coverage under

the Federal Tort Claims Act [FTCA] to federally funded community health center personnel.

The current law is due to expire on December 31, necessitating speedy consideration of this legislation in the Congress.

I am pleased to announce that the House passed this afternoon a similar bill, H.R. 1747, authored by my good friend from Connecticut, Representative NANCY JOHNSON and I am hopeful the Senate can take up the Johnson bill forthwith.

A brief recitation of the legislative history on this issue may be useful to my colleagues at this point.

In 1992, Senator KENNEDY and I worked with our colleagues in the House to treat community health center [CHC] physicians, nurses, and other personnel as Federal employees under the FTCA for the purpose of defending against malpractice claims.

Substituting the FTCA remedy for private lawsuits relieves CHC's from devoting their limited program funds to purchase costly private malpractice insurance. Purchase of such insurance had proven an extremely costly burden to the centers, which, I believe, have been doing a marvelous job in providing excellent care in underserved areas on what amounts to a shoestring budget.

The Federal Tort Claims Act, which falls under the jurisdiction of the Judiciary Committee, stipulates strict procedural requirements for the consideration of claims. For example, it does not provide for jury trials or the award of punitive damages. These streamlined procedures act to reduce the number of, and costs associated with, tort claims.

By reducing insurance costs, the more than 500 community and migrant health centers can provide more direct medical services to the 5 million Americans who rely on these centers for their primary health care needs.

In the initial 3 years of our experience under the FTCA, it is encouraging to find that all experience suggests that health centers have a lower incidence of malpractice claims than comparable private insurance providers.

Through fiscal year 1995, it has been estimated that only 15 claims have been filed nationwide against the 119 participating health centers. Thus far, no funds have been required to be paid out under the statute to satisfy claims. In fact, the Department of Health and Human Services estimates that the 1992 law has saved over $14.3 million to date. This is consistent with the 1992 House Judiciary Committee report on this topic which noted that the savings from the law would far exceed the costs of coverage.

I want to take a moment to discuss the history of this legislation in the 104th Congress.

As I noted earlier, the House passed a similar bill today under suspension of the rules.

The version reported from the House Commerce Committee on September 27 was very similar to the approach that Senator KENNEDY and I were developing. However, that bill recommended a 3-year extension whereas we believed a permanent extension was warranted.

Ultimately, through discussions with our House colleagues, we were able to reach an agreement and the bill that passed the House today makes the FTCA coverage for CHC's permanent.

The bill that passed the House today also differs from our approach in two other areas.

First, I understand that the House bill makes explicit that centers are not required to operate under the FTCA aegis. In other words, centers are free to purchase insurance on their own if they so desire. I believe this is appropriate, and have no objection to this provision. It clearly was our intent in drafting S. 1471.

Second, in order to address concerns that our claims experience may be too limited in the first 3 years of operation to predict the adequacy of future reserves, we have provided for a General Accounting Office study of the medical liability risk exposure of centers. If—as seems unlikely based on the past experience and future expectations—unforeseen problems develop in this program, this issue can be revisited.

The House bill contains a GAO study provision which is much more detailed than that embodied in the bill we introduce today. Again, I have no objection to the House alternative.

Mr. President, in closing, I note that the administration is supportive of this legislation and of making the program permanent. According to a recent administration report in support of extending FTCA coverage: "Our experience to date * * * is sufficiently positive that we believe that it is advisable to adopt FTCA coverage without a time limitation, rather than to continue to insert sunset provisions."

The legislation that Senator KENNEDY and I are introducing today will result in the delivery of more public health services to underserved areas throughout the country, whether these areas are urban or rural. It is no secret to my colleagues that I am a tremendous fan of the work that CHC's are doing, especially in Utah, and I think it behooves the Congress to give them this added tool to help improve health care services in areas in which access has traditionally suffered.

At the bottom line, the 1992 legislation achieved more public health bang-for-the-buck and should be made permanent.

It is important that a bill be acted upon in the near future to extend coverage so that centers will know whether or not they have to purchase private coverage for 1996. Therefore, I urge my colleagues to support a permanent extension of the legislation authorizing Federal Tort Claims Act coverage of community health centers.

ADDITIONAL COSPONSORS

S. 881

At the request of Mr. PRYOR, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 901

At the request of Mr. BENNETT, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 901, a bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to authorize the Secretary of the Interior to participate in the design, planning, and construction of certain water reclamation and re-use projects and desalination research and development projects, and for other purposes.

S. 1166

At the request of Mr. LUGAR, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 1166, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, to improve the registration of pesticides, to provide minor use crop protection, to improve pesticide tolerances to safeguard infants and children, and for other purposes.

S. 1289

At the request of Mr. KYL, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1289, a bill to amend title XVIII of the Social Security Act to clarify the use of private contracts, and for other purposes.

S. 1360

At the request of Mr. LEAHY, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1360, a bill to ensure personal privacy with respect to medical records and health care-related information, and for other purposes.

S. 1392

At the request of Mr. BAUCUS, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1392, a bill to impose temporarily a 25-percent duty on imports of certain Canadian wood and lumber products, to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to such products, and for other purposes.

S. 1414

At the request of Mrs. HUTCHISON, the name of the Senator from Maine [Mr.

COHEN] was added as a cosponsor of S. 1414, a bill to ensure that payments during fiscal year 1996 of compensation for veterans with service-connected disabilities, of dependency and indemnity compensation for survivors of such veterans, and of other veterans benefits are made regardless of Government financial shortfalls.

S. 1429

At the request of Mr. DOMENICI, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 1429, a bill to provide clarification in the reimbursement to States for federally funded employees carrying out Federal programs during the lapse in appropriations between November 14, 1995, through November 19, 1995.

SENATE JOINT RESOLUTION 43

At the request of Mr. HELMS, the names of the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Rhode Island [Mr. PELL], the Senator from New York [Mr. MOYNIHAN], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 43, a joint resolution expressing the sense of Congress regarding Wei Jingsheng; Gedhun Choekyi Nyima, the next Panchen Lama of Tibet; and the human rights practices of the Government of the People's Republic of China.

AMENDMENT NO. 3097

At the request of Mr. MCCONNELL the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Amendment No. 3097 proposed to Senate Joint Resolution 31, a joint resolution proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, December 12, 1995, to conduct a markup of S. 1228, Iran Foreign Oil Sanctions Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Tuesday, December 12, at 2:30 p.m., Hearing room (SD-406) on S. 776, the Atlantic Striped Bass Conservation Act Amendments of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, December 12, 1995, at 2 p.m. to hold a business meeting to vote on pending items.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, December 12, at 2:15 p.m. for a markup on the following agenda:

NOMINATIONS

Donald S. Wasserman, to be member, Federal Labor Relations Board.

David Williams, to be Inspector General, Social Security Administration. (Sequential referral. Finance held its hearing on Thursday, November 30, and favorably reported the nominee out).

LEGISLATION

S. 1224, the Administrative Disputes Resolution Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, December 12, 1995, for purposes of conducting a markup on S. 814, to provide for the reorganization of the Bureau of Indian Affairs, and S. 1159, to establish an American Indian Policy Information Center.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet the session of the Senate for a hearing on Tuesday, December 12, 1995, at 9:30 a.m., in room 428A of the Russell Senate Office Building, to conduct a hearing focusing on "Proposals to Strengthen the SBIC Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, December 12, 1995, at 2 p.m. to hold a closed briefing regarding intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, December 12, 1995, for purposes of conducting a Subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of the hearing is to consider S. 873, a bill to establish the South Carolina National Heritage Corridor; S. 944, a bill to provide for the establishment of the Ohio River Corridor Study Commission; S. 945, a bill to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to modify the boundaries of the corridor; S. 1020, a bill to establish the Augusta Canal National Heritage Area in the State of Georgia; S. 1110, a bill to establish guidelines for the designation of National Heritage Areas; S. 1127, a bill to establish the Vancouver National Historic Reserve; and S. 1190, a bill to establish the Ohio and Erie Canal National Heritage Corridor in the State of Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO TIM COUCH

• Mr. MCCONNELL. Mr. President, it is my pleasure to rise today to pay tribute to an outstanding Kentuckian and a record-breaking quarterback. Tim Couch ended his high school football career on a high note with a 1-yard touchdown pass during the state quarterfinals. Some may wonder what is so special about this play. Well, that pass will go down in the record books as the one that put the Leslie County High School quarterback over the top as the national all-time leader in touchdown passes. In 4 years, he has thrown an amazing 12,092 yards—an accomplishment that helped earn Tim honors as National High School Player of the Year.

Leslie County is located in the mountains of eastern Kentucky. The last time the national spotlight shone on the small town of Hyden was in 1978, when President Nixon made his first public appearance since his resignation. He was there to attend a dedication of a gym named in his honor. According to local newspapers, residents said it was an exciting day, because everyone in the nation knew about Hyden. And now history has repeated itself, but this time the spotlight is shining there because of the youth who's become known as "the pride of Hyden" —Tim Couch.

His final game as Leslie County High School quarterback was a memorable one in many ways. Besides breaking the passing record, Tim faced a consistent seven-man rush, he injured his right ankle trying to block an extra point, and he was sacked five times. But check out his numbers: he completed 17 of 34 passes for 223 yards and 2 touchdowns. After the record-breaking pass, the game came to a halt. Fans and the media stormed the field to ask Tim for autographs and interviews.

Fireworks lit up the night sky, and sirens and horns filled the air. And before the game resumed, Tim was handed the game ball. What a night!

Every time Tim took to the gridiron, the entire town of Hyden flocked to Eagle Field to watch the "Air Commander" throw another pass on his way to the record books. Sports Illustrated recently did a profile of the star quaterback. In the article, Tim said of his 374 fellow Hyden residents, "everybody around here is just so happy. They all want to see me go to the NFL and become a big star. It gives me a lot of pride, the way such a small place has rallied around one person."

If you think football is his only game, think again! Not only is Tim an award-winning quarterback, he is also one of the best high school basketball players in Kentucky. He led the state in scoring last season, with 36 points a game, and he is one of the front runners in the race for Kentucky's Mr. Basketball. No wonder he's being recruited by the top colleges in the Nation. However, it is my hope that this superstar decides to stay in the Bluegrass State and make one of Kentucky's fine universities his new home.

Mr. President and my fellow Members of Congress, please join me in congratulating the "Pride of Hyden." Tim Couch has an exciting career ahead of him, and I wish him good luck in the future. Mr. President, I also ask that an article from a recent edition of Sports Illustrated be printed the RECORD.

The article follows:

PRIDE OF HYDEN

(By Steve Rushin)

Elbert Couch parks his white Ford Bronco next to another emblem of American infamy: the Richard M. Nixon Recreation Center in Hyden, Ky. "There's two kinds around here," Couch says. "There's Republicans, and there's Damn Democrats. I'm a Damn Democrat, but we're outnumbered four to one in this county."

This is Leslie County, in the mountains of eastern Kentucky's Cumberland Plateau. It was here, in 1978, that Nixon made his first postexile public appearance, for the dedication of a grand gymnasium that honors his presidency. "Everybody knew us because of Nixon," says Leslie County High School basketball coach Ron Stidham, standing on his home court inside the Tricky Dick. "But that notoriety aside, Tim Couch has made Hyden—well, if not a household name exactly, at least people know where we are again."

Tim Couch, Elbert's son, is the best high school basketball player in Kentucky. He led the state in scoring last season, with 36 points a game as a Leslie County High junior. He is expected to be named Mr. Basketball of the Bluegrass after this season, which is why most Division I basketball coaches want to upholster Couch in their school colors come 1996.

Trouble is, Tim is also the most highly sought after football recruit in the nation, one who almost certainly will break the national record for career passing yardage this Friday night in the state quarterfinals. He is 50 yards away from breaking the mark of 11,700 set two years ago by Josh Booty of Evangel Christian High in Shreveport, La., and Couch needs only five touchdown passes to break that national record as well. "Couch is the best quarterback prospect I've seen in 17 years," drools Tom Lemming, who publishes a national recruiting newsletter. "Better than Jeff George, Ron Powlus and Peyton Manning. He reminds recruiters of John Elway." ESPN draft nitwit Mel Kiper Jr. agrees and considers Tim, who is 6'5" and 215 pounds, one of the best pro quarterback prospects in the nation. And to think that Tim is just 18.

"Everybody around here is just so happy," Tim says of Hyden (pop. 375). "They all want to see me go to the NFL and become a big star. It gives me a lot of pride, the way such a small place has rallied around one person."

Through it all Tim has remained unfailingly polite, genuinely humble and undeniably charismatic. Everywhere one goes in Kentucky, people talk about the closely-cropped Couch. He's like Gump, with a pump fake. And there's another important difference: "He's an A-B student," says Leslie County High principal Omus Shepherd. "In fact, to see him in school, you wouldn't know he's an athlete, you wouldn't know him from any other student. I don't know of any problem we've ever had out of the boy."

The boy was excused from class one afternoon early in the football season when Governor Brereton Jones came to Hyden to make Tim an honorary Kentucky Colonel, one of the youngest recipients of the state's equivalent of knighthood. The next evening the colonel threw for three touchdowns and ran for two more in a 34–27 win a Woodford County High, after which several opponents wanted a piece of him. "I saw them coming at me and thought we were in a fight," says Tim. Instead, they wanted his autograph.

The next day Tim drove 124 miles to Lexington to watch the Kentucky-Louisville football game with his folks. En route, they stopped at a diner. Recently retired Los Angeles Laker center and former Kentucky star Sam Bowie approached Tim's table to say how much he has enjoyed following Tim's career. Emboldened, Adolph Rupp's grandson Chip, who also happened to be in the diner, did the same. After the game the Couches repaired to the Lexington home of Miami Heat guard and ex-Wildcat star Rex Chapman, who simply wanted to meet Tim.

"I told him he was my hero growing up," Tim says of Chapman. "I told him how I dreamed in the backyard about filling his shoes some day at Kentucky."

"Tim used to shoot baskets outside for hours in the winter, until his fingers were bleeding," says Tim's mother, Janice. "I always had to make him come in before he got frostbite."

Come summer, he would throw footballs all afternoon with his older—by four years—brother, Greg. Tim always pretended to be Joe Montana or Dan Marino. Now, Marino aspires to play with Couch. "I hope I'm still in the league when you get here," the Miami Dolphin quarterback told Couch when the two met in Cincinnati, where the Dolphins played the Bengals on Oct. 1.

Tim never played baseball. "He told me in ninth grade, 'Dad, I don't want to stand there and let them throw a ball 60 miles an hour at my head,'" recalls Elbert, who is director of transportation for the county school system. When Greg became the quarterback at Leslie County High, Tim attended practices. "In fifth and sixth grade he was throwing the ball like a rocket," says Eagle football coach Joe Beder, an assistant at the time. "You knew then he would be the quarterback here."

Couch made the high school team as a seventh-grader, backed up his brother as an eighth-grader and became the starting quarterback as a freshman, when Greg went to play football at Eastern Kentucky (where, after redshirting one season, he's now a junior reserve). Tim points to the utility pole in the front yard of his family's comfortable two-story home. "When Greg went to college, I used to throw at that light pole," he says. "I'd take a five-steps drop and try to hit it as if it was a receiver on the run, 30 feet out." Then he would place two garbage cans next to each other and throw "little fade passes" over the first defending can and into the second. "There's not much else to do in Hyden," says Todd Crawford, a physician's assistant who works with the Leslie County team.

So the Hydenites watch Couch. County judge-executive Onzie Sizemore was a star high school quarterback in Hyden in the early 1970s. "Tim is the best athlete I've ever seen in Kentucky," says the judge, deliberating on Tim down at the county court and jailhouse. "He's the best thing that ever happened to Hyden. I just hope he doesn't run for county judge-executive, because then I'm out of a job."

They come from all over Kentucky to see Tim play. On Friday nights cars back up for a mile at the toll booth that guards the Hyden exit of the Daniel Boone Parkway. And when the Eagles play an away game, says Rick Hensley, whose son Ricky is Tim's favorite target, "last one outta town turns out the lights."

There is a sign outside of town that reads Hyden: Home of Osborne Bros. Stars of the Grand Ole Opry, the Osbornes wrote "Rocky Top," which is the football anthem at Tennessee, whose Volunteers are unanimously reviled in Kentucky. When Tim engineered a season-opening 44–42 upset of Fort Thomas Highlands High in Lexington, he came home to find that benevolent vandals had altered the sign so it read Hyden: Home of Tim Couch.

This season Couch has thrown for nearly 3,500 yards and 37 touchdowns in 12 games. Clearly, his numbers are preposterous. Last year he completed 75.1% of his passes, a national record. Against Clark County High in the 1994 season opener, he completed 25 of 27 passes. Against Shelby Valley High this fall, he threw for 533 yards and seven scores and was pulled four minutes into the second half. Likewise, in October he played only one half against one of Kentucky's top-ranked teams, Hopkinsville, when the badly outmanned Eagles were bused seven hours each way and lost 61–0.

Even that defeat didn't cool the ardor of the Couch potatoes, as Hyden's residents have come to call themselves. As he drives home from football practice in his Mercury Cougar on an autumn Thursday, Couch waves like a parade marshal to every passing pedestrian, then enters his house and is handed the telephone. "Tennessee," says Janice, and Tim chats cordially with Volunteer football coach Phillip Fulmer. Bobby Bowden, Terry Bowden, Lou Holtz and Joe Paterno check in weekly as well.

There is enormous pressure on him to play football at Kentucky, and the Cats are on Couch like cats on a couch. Here is a front-page Lexington Herald-Leader headline: Couch To Watch UK Scrimmage. Kentucky basketball coach Rick Pitino met with Tim and promised him a spot on the basketball team if he sign to play football for the Wildcats. And Kentucky football coach Bill

Curry, although forbidden by the NCAA to talk about recruits, called him "the best high school prospect I've ever seen." Every Omus, Onzie and Elbert in Kentucky expects Tim to make the Cats an instant football power. "I may be crazy, but I believe Tim Couch is good enough to get this program back to the Sugar Bowl," writes columnist Dave Barker in The Cats' Pause, a Kentucky sports weekly. "Yes, that's right. From 1-10 to 10-1."

"Lord God, if Tim goes to UK they'll be namin' babies for him before he plays his first game," says Elbert's friend Vic DeSimone. "Every kid in Kentucky will wear a number 2 jersey." DeSimone—a candy manufacturer's rep who has dropped by Leslie County High to chat—furrows his brow before giving voice to every Kentuckian's darkest fear. "You wouldn't let him go to Tennessee, would you?" he asks Elbert. "I mean, the boy can go to Liberty Baptist and still become a pro."

"Have to take the Fifth Amendment on that one," says Elbert, who later concedes: "If Tim does go out of state, we'll have to move out of state."

Wherever Couch goes, if he plays basketball at all in college, it will be as an afterthought to football, and a great many disappointed people will be left in his wake. "It's hard for an 18-year-old kid to tell a coach whom he's grown up adoring that he isn't going to play for him," says Tim, who is still considering Auburn, Florida, Kentucky, Notre Dame, Ohio State and (sigh) Tennessee. "I'm thinking about it all the time," he says of his impending decision. "Even if I'm just lying in bed, it never leaves my mind."

He has made certain of that. Taped above the light switch in his bedroom is a two-sentence note from a football assistant at Northwestern. "Your talent is God's gift to you," it reads. "What you do with your talent is your gift back to God."

It is the last thing that Tim sees each night when he turns out the lights.

A TRIBUTE TO FRANK SINATRA ON HIS 80TH BIRTHDAY

• Mr. LAUTENBERG. Mr. President, I rise today to honor one of New Jersey's favorite sons, and one of America's great personalities who will be celebrating his 80th birthday today: Frank Sinatra. Mr. Sinatra hails from Hoboken, New Jersey, and we are proud to call him one of our own.

Mr. President, Frank Sinatra is one of the most recognized and revered artists in the world, admired not only for his unique style, but for his ability to reach people on a distinctly personal level. As a musician and actor, Mr. Sinatra has distinguished himself as one of the most notable figures in the history of entertainment.

For more than five decades, Frank Sinatra has charmed people all over the world with his exceptional, distinctive voice. He began his impressive career in New Jersey, when he won an amateur singing concert. A few years later, he was the featured vocalist with the bands of Harry James and Tommy Dorsey. It was not long before Mr. Sinatra began to embark on a solo career.

The sounds of Frank Sinatra played throughout the country while the Second World War was being fought abroad. Although he was unable to join the Armed Services, he was able to help the servicemen by entertaining them with his voice, known as the "Voice That Thrilled Millions."

Frank Sinatra made his acting debut in 1943, and he then went on to appear in more than 50 motion pictures, among them, "The Manchurian Candidate," a classic thriller reflecting his versatility as an actor, "The House I Live In," a sensitive documentary for which he received a special Oscar, and "From Here to Eternity," the 1953 motion picture which brought him an Academy Award for Best Supporting Actor.

Today, Frank Sinatra maintains that same high visibility by singing and performing throughout the United States and the world. Over the years, he has received countless awards that attest to the greatness of his multifaceted career, including seven Grammies, a Peabody, an Emmy and an Oscar.

Aside from his performing brilliance, Mr. President, Frank Sinatra should be recognized for his many selfless contributions. He played a key role in raising money for an AIDS program and a center for abused children during a special program taped last month in honor of his Eightieth Birthday Celebration. He also has earned awards for his humanitarian and social justice efforts, including; the Life Achievement Award from the NAACP, the Academy of Motion Picture Arts and Sciences' Jean Hersholt Humanitarian Award, and the Presidential Medal of Freedom.

Mr. President, we are fortunate that Frank Sinatra's music will live on forever, for he is truly one of a kind. His voice penetrated the hearts of many, and changed the face of popular music in 20th Century America. I ask my colleagues to join me today in honoring Frank Sinatra on this monumentous occasion and wish him continued success in the future.•

FRANK SINATRA'S 80th BIRTHDAY

• Mr. LIEBERMAN. Mr. President, I rise to pay tribute to an American who celebrates his 80th birthday on this day. The chairman of the board, Francis Albert Sinatra, legendary performer and American treasure, was born on this day, December 12, in Hoboken, NJ, in 1915.

Frank Sinatra rose from humble, blue-collar roots to superstardom by virtue of a God-given gift: his voice. Through hard work and determination he perfected his talent and sang his way to the top of the entertainment industry. His music dominated the charts from the 1930's through the 1960's. By the 1970's he was an American institution, surviving Elvis, the Beatles, and the rock and roll revolution. Frank Sinatra has performed for audiences around the world. He has influenced virtually everyone who is, or ever wanted to be, a singer. As Harry Connick, Jr., once said, "Frank taught everybody how to sing." A universal entertainer from the old school, he could sing with the likes of Bing Crosby, dance with the likes of Gene Kelly, and act with the likes of Burt Lancaster. From 1941 to 1984 he appeared in 59 motion pictures. In 1953, he won an Oscar for his performance in "From Here To Eternity."

But Frank Sinatra has given more to America than his records and movies. In 1945, he won a special award from the Academy of Motion Picture Arts and Sciences for a short film called "The House I Live In," in which he stressed religious tolerance and racial equality. He had much to do with the desegregation of the entertainment industry by promoting African-American artists, most notably his friend, the late Sammy Davis, Jr.

During World War II he could not serve because of a punctured ear drum, but he performed for troops overseas and assisted the war effort by selling war bonds. As a young man, he involved himself in politics by supporting President Roosevelt in 1932. He campaigned for Democrats throughout the 1950's. In 1960, President Kennedy asked him to direct his inaugural gala. In the 1970's he supported Republicans and again hosted inaugural galas for Preident Reagan in 1980 and 1984. In sum, Frank Sinatra should enjoy bipartisan support from this body.

Frank Sinatra also deserves to be recognized for his work on behalf of charitable causes. He has given millions of dollars to charities and humanitarian causes publicly and anonymously. His donations have built children's hospitals, orphanages, and facilities for the mentally handicapped. In 1985 he was awarded the Presidential Medal of Freedom, the highest civilian honor our Nation bestows. In making the presentation, President Reagan praised him for his generosity toward the less fortunate.

Frank Sinatra is an American institution who has had an undeniable impact on the 20th century. He is part of American culture, one of the great voices of our time. There is probably a Sinatra fan on every block in every town in America, including this one on my block. Sinatra songs have provided the backdrop of our lives for the past 50 years. For most of us, a Sinatra song has the ability to conjure up memories of certain moments of our lives. So many of us can recall where we were when we first heard our favorite Sinatra song.

Now as he reaches the age of 80, the voice has become the elder statesman of entertainment, a comforting presence, and a source of inspiration for younger performers. He is a remarkable and distinguished American, and

his art will be with us for decades to come. He did it his way, and we loved it that way. I am as great a fan of his work as anyone, and I am sure I speak for many people in Connecticut, across the country, and around the world when I wish Old Blue Eyes a very happy 80th birthday and hope there will be many more to come.●

JOHN TURNER, CHAIRMAN OF THE AMERICAN COUNCIL OF LIFE INSURANCE

● Mr. GRAMS. Mr. President, on Tuesday, November 14, 1995, Mr. John Turner, chairman and CEO of ReliaStar Financial Corp., a financial services holding company in Minneapolis, MN, became the new chairman of the board of directors of the American Council of Life Insurance [ACLI].

The ACLI represents over 600 companies that write 92 percent of the life insurance and 95 percent of the pension business in the United States. As chairman, Mr. Turner will guide the ACLI as it works with Federal and State legislators, regulators and agencies to ensure the laws and regulations we enact serve the best interest of our Nation's business and individual policyholders and consumers, as well as insurance companies.

I want to take this opportunity to congratulate John on this high honor and also to recognize the many years of community service he and his wife Leslie have played in the Twin Cities. From Leslie's involvement with the Girl Scouts of America and her service on the city council of Edina, MN, to John's work on issues dealing with youth and education, they have made a positive difference in Minnesota.

Professionally, Mr. Turner has been an active member of the ACLI's board of directors for 3 years, and in that capacity, he has given tremendous service to an industry that, in turn, serves this Nation so well.

Life insurance companies provide a necessary service by helping to deliver financial security and peace of mind to millions of American families and individuals. Insurance industry products allow people to keep their homes and businesses, enable children to continue their education, and help support aging parents. The industry's retirement products provide the means by which this Nation's present and future retirees can achieve their financial independence and help fulfill their financial dreams.

Mr. President, this Congress is in the process of returning power and responsibility to States, localities and, most importantly, to individuals. This unprecedented shift in power from Washington to the rest of America was summed up by John Turner in his inaugural speech as Chairman of the ACLI when he said: "Neither Washington nor corporate America will much longer assume the financial burden of underwriting people's retirement security; that responsibility is being transferred to individuals."

As this process continues, a broad range of issues from financial services modernization to tax reform to retirement income security will take center stage. From my seat on the Senate Banking Committee, I look forward to working closely with John on these and many other important issues.

As it provides for fully one-third of this Nation's long-term savings, the life insurance industry is the foundation of financial security for millions of Americans and for our country. I am pleased to see that John Turner will be leading this effort from his new position as chairman of the ACLI.

Again, Mr. President, I would like to congratulate John Turner and the ACLI. I am confident that he will bring to his new post the same dedication, honesty, and integrity he has demonstrated to ReliaStar Financial Corp. and the people of Minnesota. I wish John all the best and look forward to working with him the year ahead.●

CONGRATULATING DAN MORTENSEN ON WINNING THE WORLD TITLE IN SADDLE BRONC RIDING

● Mr. BURNS. Mr. President, I rise today to salute a young man from my State of Montana. This young man, just last week, won his third consecutive world title in saddle bronc riding at the National Finals Rodeo in Las Vegas, NV. Dan Mortensen, I tip my Stetson to you and your dedication.

Dan Mortensen will be 27 years old in 3 days and has accomplished a rare feat in his speciality event saddle bronc riding. He is a classic bronc rider, as is apparent by his three consecutive world titles. Saddle bronc riding is considered the classic event in the sport of rodeo. If you have never had the opportunity, I would suggest that you all take the time to see this event. A good saddle bronc ride is like watching a ballet to a cowboy, as it is a fluid movement between man and beast. In this event, the contestant must stay on a bucking horse for 8 seconds using only the timing of their movement and a bronc rein to keep them in the saddle. The classic style of Dan shows the grace and beauty involved in the sport of rodeo.

The honors that Dan has to his credit are numerous and speak volumes about his dedication to the true American sport of rodeo. Dan won the regular season title for the Montana High School Rodeo Association in saddle bronc riding. In 1990 Dan was awarded the title of Saddle Bronc Rookie of the Year. Four years later, Dan won his first world title in his speciality event. It was during the finals that year that Dan won not only the average in the saddle bronc event, but set a record in the average. The average, is the total score of 10 rounds of riding wild and wooly bucking horses. Truly a world champion accomplishment.

Dan and his wife, Kay, live in the beautiful Gallatin Valley in Manhattan, MT. Residing in this area does take its toll, since it is not the easiest place to make flight arrangements out to the numerous rodeos necessary to win a championship. However, Dan continues to call this home.

Mr. President, I join with the citizens of the State of Montana, and with all that hold our tradition of rodeo dear, in saluting this young man. I congratulate him for his dedication to the great Western tradition and sport of rodeo.●

ORDERS FOR WEDNESDAY, DECEMBER 13, 1995

Mr. COHEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m., Wednesday, December 13; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, that the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and Senator HUTCHISON be immediately recognized to offer a Senate concurrent resolution regarding Bosnia.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. COHEN. For the information of all Senators, the Senate will begin debate on Senator HUTCHISON's Bosnia resolution at 9 a.m., and by a previous order, the Senate will vote on H.R. 2606, the Bosnian resolution received from the House, at 12:30 p.m., on Wednesday.

The majority leader has indicated that he hopes the Senate will be able to vote on Senator HUTCHISON's resolution and the Dole Bosnia resolution after a reasonable amount of debate during Wednesday's session. All Members can therefore expect rollcall votes throughout tomorrow's session of the Senate. The Senate may be asked to consider any available appropriations conference reports, the State Department reorganization bill, or any items cleared for action.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. COHEN. Mr. President, if there is no further business to come before the

Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:47 p.m., adjourned until Wednesday, December 13, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate December 12, 1995:

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

A.E. DICK HOWARD, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM OF 6 YEARS, VICE LANCE BANNING.

THE JUDICIARY

JAMES P. JONES, OF VIRGINIA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA, VICE JAMES H. MICHAEL JR., RETIRED.

CHERYL B. WATTLEY, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS, VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

HOUSE OF REPRESENTATIVES—*Tuesday, December 12, 1995*

The House met at 10 a.m.

The Reverend Dr. Ronald F. Christian, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

Almighty God, we acknowledge this day as always that You are the one who is worthy to be held in reverence by all the people, from the least of us to the greatest, and so, we pray, kindle within each of us the spark of Your love so that all of Your children may know of Your goodness and gracious care. We pray, guide and direct those who are called and selected to be leaders of others, so that choices and decisions will always be based on what will bring dignity and honor to Your people. We pray, show us the great waste of our wrath and our rage, and give us O God, good will to all and peace in our time, peace among nations, and peace in our hearts. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan [Mr. KILDEE] come forward and lead the House in the Pledge of Allegiance.

Mr. KILDEE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that during the joint meeting to hear an address by His Excellency Shimon Peres, only the doors immediately opposite the Speaker, and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Childen of Members will not be permitted on the floor, and the cooperation of all Members is requested.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, December 7, 1995, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 4 minutes a.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at about 10 o'clock and 53 minutes a.m., the following proceedings were had:

□ 1052

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY SHIMON PERES, PRIME MINISTER OF THE STATE OF ISRAEL

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Richard Wilson, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. On the part of the House, the Chair appoints as members of the committee to escort the Prime Minister of the State of Israel into the Chamber: the gentleman from Texas [Mr. ARMEY]; the gentleman from Texas [Mr. DELAY]; the gentleman from Ohio [Mr. BOEHNER]; the gentleman from New York [Mr. GILMAN]; the gentleman from Louisiana [Mr. LIVINGSTON]; the gentleman from New York [Mr. SOLOMON]; the gentleman from Indiana [Mr. BURTON]; the gentleman from Alabama [Mr. CALLAHAN]; the gentleman from New Mexico [Mr. SCHIFF]; the gentleman from New York [Mr. LAZIO]; the gentleman from Missouri [Mr. GEPHARDT]; the gentleman from Michigan [Mr. BONIOR]; the gentleman from California [Mr. FAZIO]; the gentlewoman from Connecticut [Mrs. KENNELLY]; the gentleman from Indiana [Mr. HAMILTON]; the gentleman from Illinois [Mr. YATES]; the gentleman from Wisconsin [Mr. OBEY]; the gentleman from Texas [Mr. FROST]; the gentleman from California [Mr. BERMAN]; and the gentleman from Florida [Mr. HASTINGS].

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort the Prime Minister of the State of Israel into the Chamber: the Senator from Kansas [Mr. DOLE]; the Senator from Mississippi [Mr. LOTT]; the Senator from Oklahoma [Mr. NICKLES]; the Senator from Mississippi [Mr. COCHRAN]; the Senator from Florida [Mr. MACK]; the Senator from South Carolina [Mr. THURMOND]; the Senator from New York [Mr. D'AMATO]; the Senator from South Dakota [Mr. DASCHLE]; the Senator from Kentucky [Mr. FORD]; the Senator from Maryland [Ms. MIKULSKI]; the Senator from Rhode Island [Mr. PELL]; the Senator from Vermont [Mr. LEAHY]; the Senator from Michigan [Mr. LEVIN]; the Senator from California [Mrs. FEINSTEIN]; and the Senator from California [Mrs. BOXER].

The Assistant to the Sergeant at Arms announced the Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Assistant to the Sergeant at Arms announced the Associate Justices of the Supreme Court of the United States.

The Associate Justices of the Supreme Court of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 9 minutes a.m., the Assistant to the Sergeant at Arms announced the Prime Minister of the State of Israel.

The Prime Minister of the State of Israel, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege, and I deem it a high honor and a personal pleasure to present to you His Excellency Shimon Peres, the Prime Minister of Israel.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY, SHIMON PERES, PRIME MINISTER OF THE STATE OF ISRAEL

Prime Minister PERES. Mr. Speaker, Mr. Vice President, Members of Congress, my very dear friends, I stand before you stunned and humbled. It was but a year ago that on this very podium there stood before you, in a partnership of hope, King Hussein and Prime Minister Yitzhak Rabin. And Rabin is no more.

It was only 2 years ago that President Bill Clinton hosted Chairman Arafat and Prime Minister Yitzhak Rabin, and we all witnessed a historic handshake. And Yitzhak has gone.

Two weeks and twenty years ago Lyndon Baines Johnson stood on this very spot and said, "All I have, I would have given gladly not to be standing here today."

Mr. Speaker, all I have, I would have given gladly not to be standing here today. My senior partner is gone.

Now, he belongs to the ages. He will enter them as a great leader, as a great soldier, a captain of peace who was assassinated because he was right. That was the reason.

I shared with him days of worry and grief. I shared with him hours of reflection and decision. We complemented each other in a determined pursuit of the only objective worthy of the task bestowed upon us by the people of Israel: to carve a new era of security in peace, to build bridges across an Arab-Israeli divide, an impossible divide. And he, the captain, is no more.

You, dear friends, have honored him in life with an intimate, bipartisan friendship to the man, to the land, to the cause he represented. You have honored him in death with your unprecedented presence which moved our hearts.

May I tell you that the fact that the President, two former Presidents, a Secretary of State, two former Secretaries of State, the leaders of the Senate and the House and many of the Members came on this very sad day to stand at our side is an unforgettable experience in our life. We really thank you. It was great on your part; it will be unforgettable in our history.

Hence, I stand before you with one assignment: In the shadowy light of those candles, in the tearful eyes of our young generation, I heard their appeal, nay, the order, "Carry on. Carry on."

This is my task.

I stand before you with one overriding commitment: to yield to no threats, to stop at no obstacle in negotiating the hurdles ahead, in seeking security for our people, peace for our land and tranquility for our region. And in so doing, I ask you, ladies and gentlemen, for your support, and first and foremost, your moral support. That is what counts mostly.

Nothing but your own conscience is your guide. Your faith in the Almighty and the moral imperative that guides you.

Yitzhak and I were always firm believers in the greatness of America, in the ethic and generosity inherent in your history, in your people. For us, the United States of America is a commitment to values before an expression of might.

For us, the vast discovery of America is its Constitution even more than its continent, the Constitution enriched by its biblical foundation.

From our school days we remembered the proposal of John Adams that the imagery of ancient Israel captivated the Constitutional Congress in 1776.

We recalled Benjamin Franklin's idea to incorporate in the Great Seal of the new Confederation the image of Moses raising his staff, dividing the Red Sea.

We remembered Thomas Jefferson suggesting that the image of the children of Israel struggling through the wilderness, led by a pillar of cloud by day, by a pillar of fire by night, that this image be the symbol of the young Republic, to become the Great Republic.

History did not stop there. The cloud and the fire have accompanied the human experience in this, the most difficult century in the annals of mankind.

As the end of the 20th century is nearing, it could verily be described as the American century, yes, the century of America.

America nurtured a way of life that has made competitive creativeness the engine of economic development practically in every corner of the world. The United States has built strength, has used strength to save the globe from three of its greatest menaces: the Nazi tyranny, the Japanese militarism, and the Communist challenge.

You did it. You brought freedom. You defended it.

Even in this very day, as Bosnia reels in agony, you offered a compass and a lamp to a confused situation like in the Middle East. Nobody else was able or was ready to do it.

You enabled many nations to save their democracies even as you strive now to assist nations to free themselves from their nondemocratic past.

Your sons and daughters fought many wars. Your great armies won many victories. Yet wars did not cause you to lose heart, just as triumphs did not corrupt your system.

America remains unspoiled because she has rejected the spoils of victory.

You have a great Constitution, a vast land, a pluralistic civilization. Israel is a small land, 47 years young, 4,000 years deep.

Thanks to the support you have given and to the aid you have rendered, we have been able to overcome wars and tragedies thrust upon us and feel today strong enough to take measured risks to wage a campaign for peace together with you.

Let me assure you that never shall we ask your sons and daughters to fight instead of us, just as we have never asked you to do so in the past. We shall do our task; we shall enjoy your support.

Indeed, even as I speak before you now, Israeli troops are parting from Palestinian towns and villages in a historic departure, intending never to return there as occupiers. We do not want to occupy anybody.

This, for us, is a victory of moral commitment and for the Palestinians a victory of self-respect. For the first time, they are governing themselves and we are governing ourselves too.

Nobody forced us to do so. Nobody forced us to take these measures, and Israel is neither weak nor afraid. Our choice was freely made.

What we have accomplished, in resonance of your own tradition, we have given, like you, preference to a biblical ethic. We are true to the old pages.

Yet like you, we have rejected the temptation to rule over another people, even though we possess the force to do so.

Before coming here, I visited King Hussein, a real friend of the United States. We discussed the possibilities of transforming the Jordan Rift Valley, which is in fact an elongated, extended desert, into a Tennessee Valley. We learned from you again.

In a single bold sweep, we are and remain resolved to turn back the desert, to stop the war, and to end the hatred once and forever.

I then met with President Mubarak in a highly congenial atmosphere. We agreed to put aside certain bitter memories and to postpone certain disputed issues for a future date. We have time in the future to disagree; now we have to agree.

Then I met Chairman Arafat, and his expression of condolence had the ring of a sincere desire for peace. May I tell you that nothing convinced the Israeli people about the sincerity of the Arabs seeking peace more than the sympathy and condolence they expressed when they learned about the assassination of Rabin, a sad event, a revealing sentiment.

Arafat is engaged in the new realities of his people and he has conveyed to me the solemn promise to intensify his fight against terror, which is, today, as much a danger to him as it is to the peace we are committed together to achieve.

I, on my part, have promised to release prisoners in our custody, as we did agree, so as to enable them to participate in free elections scheduled for the first time in history, to take place on January 20, 1996.

As far as we are concerned, democracy, and that includes Palestinian democracy, is the best and probably the only guarantee for a real and durable peace. Freedom supports this.

I believe in this prospect. Three years ago, such a prospect would have been considered a fantasy; that was part of the accusation against me. Now reality is on our side.

All this would hardly have been attainable were it not for the American involvement and the support of those efforts. President Clinton and his administration, the leadership and the Members of the Congress, practically all of them, the American people at large, have made possible the dawn of peace to rise again over the ancient horizon, over the ancient skies of the Promised Land, to bring promise again to the land.

And by so doing, you have removed the terrifying prospect of evil hands grabbing hold of unconventional weapons.

Mr. Speaker, Members of Congress, international terrorism is a threat to us all. Fundamentalism with a nuclear bomb is the nightmare of our age. We have to stop it.

We understood that in order to ready ourselves to confront the new dangers, we would have to put a stop to the enmity with our neighbors. In our time, more than there are new enemies, there are new dangers. The dangers of our days are not confined to borders; they are common to all of us, Moslems, Christians, and Jews alike. Therefore, we have to try to achieve a comprehensive peace.

Peace with Syria and Lebanon, the two remaining adversaries on our borders, may well prove to be the greatest contribution to the construction of a new Middle East, of a new era in the Middle East.

I must admit that the hurdles are many. We have to negotiate mountains of suspicion. We have to traverse chasms of prejudice. We have to find solutions to an array of genuinely conflicting interests. They are not artificial.

Israel, for its part, is ready to go, to try and do it.

In October next year Israel will go to elections. I here declare that the decision to strive for peace shall be pursued regardless of it. To win peace is more important than to win elections.

We shall try wholeheartedly, we shall try to forge the peace with Syria and Lebanon expeditiously so that before the curtain of the 20th century shall fall, we shall see, all of us, the emergence of a Middle East of peace.

Mr. Speaker, with your permission, therefore, I would like to use this podium, with your permission, ladies and gentlemen, to turn to President Assad of Syria and say to him:

"Without forgetting the past, let us not look back. Let fingertips touch a new untested hope."

Let each party yield to the other, each giving consideration to the respective needs of the other, mutually so, him to us, we to him. Without illusion, but with resolve, we shall stand ready to make demanding decisions if you are, if Assad is.

We shall negotiate relentlessly until all gaps are bridged, if you are, if Assad is.

I believe we face a historic opportunity, perhaps of galloping pace. If we shall find the language of peace between us, we can bring peace to all of us. Surely nothing would capture the imagination of young people everywhere more than a gathering of all of us standing together and declaring, and when I say all of us, I mean all of the leaders of the Middle East, all the 20 of them, not one-by-one, but together, and declaring the end of war, the end of conflict, carrying the message to our forefathers and to our grandchildren that we are again, all of us, the sons and daughters of Abraham, living in a tent of peace again. We shall tell them, together as partners, we are going to build a new Middle East, a prosperous economy, that we are going to raise the standard of living, not the standard of violence. We have enough violence, not enough the-right-way-to-live.

What we are going to introduce is light and hope to our people, to their destinies.

Mr. Speaker, permit me a personal word. In my country I have shouldered almost every responsibility. I have tasted almost every title. I have served almost in every position. Today I wish only one thing: to bear the burden of peacemaking.

In the last moment of his life, we stood together to the very last moment, his happiest moment of life, Yitzhak Rabin stood in the Tel Aviv square, me standing on his side and singing, he was singing the song of peace.

The singer, alas, is not with us. The song remains. You cannot kill the song of peace.

Now, distinguished Members of the Congress, I say it sincerely, that I have come here for your advice and consent. I hazard the thought that the world cannot permit itself to be without American leadership in these trying times. Not in the Middle East or in other places.

America, in my judgment, cannot escape what history has laid on your shoulders, on the shoulders of each of you. You cannot escape that which America alone can do. America alone can keep the world free and assist nations to assume the responsibility for their own fate.

Please continue. Go ahead and do it as you did for the whole century; the next century is awaiting your leadership was well.

In this spirit, I can do no better than quote what Yitzhak Rabin said to you when he stood on this rostrum a year ago and he said:

"No words can express our gratitude to you for the years of your generous support, understanding and cooperation which are all but beyond compare in modern history." And Then he said, "Thank you, America."

I, too, say it: Thank you, America, for what you are, for what you have been, for what you shall be. And in so doing, I shall conclude with a prayer:

May the Almighty spread His wings of loving kindness and His tabernacle of peace over the Land of Israel. May He grant His light and truth to all of the leaders of our region, to all of the leaders of America, to the leaders of our time. And You give peace in the land and eternal joy for its habitants.

Mr. Speaker, thank you very much.

[Applause, the Members rising.]

At 11 o'clock and 45 minutes a.m., the Prime Minister of Israel, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet.

The Associate Justices of the Supreme Court of the United States.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until 1 p.m.

Accordingly (at 11 o'clock and 52 minutes a.m.), the House stood in recess until 1 p.m.

□ 1300

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EWING) at 1 p.m.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority leader and minority leader for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders, limited to 5 minutes.

THE TRAGEDY OF JIMMY RYCE

The SPEAKER pro tempore. Under the Speaker's announced policy of May

12, 1995, the gentleman from Florida [Mr. DIAZ-BALART] is recognized during morning business for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, a child is always special. Children are the hope of the world, and every child is blessed with the love of God and the goodness of heaven.

In south Florida we have all, our entire community, has been deeply wounded by the tragedy suffered by one very special child—Jimmy Ryce. And by the suffering, the incalculable suffering, of his wonderful family.

As our prayers go out for Jimmy's family so that God may give them the strength to endure, we also pray for Jimmy in Heaven, with full confidence that he is now at peace in the presence of the Lord.

No one in south Florida will ever forget Jimmy Ryce and we join together as a community to grieve for him.

Jimmy's family—his mom and dad, Claudine and Don, his sister Martha—have shown us all an example of extraordinary strength and of the will to somehow permit this tragedy to shield other children from similar future nightmares on Earth. Even before we all received the ultimately tragic news of the last few days, Don and Claudine Ryce had commenced a petition campaign to the President, a noble campaign that they, and now many in south Florida are continuing, urging him to require agencies in the executive branch to post in public places pictures of endangered children, so that the American people can help in the search for these children, while there is still time to save their lives.

Don and Claudine Ryce have also urged that the media run public service announcements publicizing the photographs and the peril of endangered children.

Together we will remember Jimmy Ryce as we strive to bring down the full weight of justice on monstrous beings who commit crimes against children, and as we work to protect children against such unspeakable crimes in the future.

THE NIGHTMARE OF THE TRAGEDY OF JIMMY RYCE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. DEUTSCH] is recognized during morning business for 5 minutes.

Mr. DEUTSCH. Mr. Speaker, I join my colleague, the gentleman from Florida [Mr. DIAZ-BALART], and all the Members from south Florida to rise today with great sadness to share with you the news that my constituent, 9-year-old Jimmy Ryce, was abducted, sexually assaulted, shot, and finally found dead just a few short miles from his Miami home.

What happened to Jimmy Ryce is really the worst imaginable thing anyone could possibly imagine in their wildest nightmares, and all of our community in south Florida, unfortunately, share the hopes and the fears and, to an infinitesimal degree, some of the suffering that the Ryce family is feeling today and will always feel.

One of the things that has happened during this period of time is, unfortunately, I have educated myself a little bit about what is going on in child abductions in this country. On several occasions during the last several months I spoke with the FBI and people involved in the investigation, people involved in the investigation of missing children. Over a thousand a year in this country fall into that category, and, again, unfortunately, there have been strides in what we have done as a society and what we have done as a country to try to help this insufferable tragedy.

In fact, south Florida, unfortunately, was an impetus to this several years ago when Adam Walsh was abducted and killed in south Florida and from the time that Adam Walsh was killed to today, and really through his family's work, there have been changes. There is now, in fact, a missing persons center clearinghouse the Federal Government operates for missing children, abused and abducted children, that has been helpful in solving many cases and actually having children returned to their families.

But, unfortunately, what the Ryce family found is there is still a lot more that we can do operationally as a country and as a government both on the Federal level, but on State and local levels as well, but on the Federal level. Some of the frustration dealing with the Federal Government during this ordeal really is worth hearing and talking about and changing. As the gentleman from Florida [Mr. DIAZ-BALART] pointed out and the Ryce family obviously knows, when they tried to spread the news of Jimmy's abduction, and they did an amazing job, the community did an amazing job, and we also on the floor of this Congress were talking about it and sending photos ourselves, but when they tried to do that through a network that exists in this country of post offices, Federal buildings that are everywhere in this country, they found they could not do it, which really makes no sense at all. And what will happen by the end of this week is that all of us in the south Florida delegation will be introducing legislation to correct that so that we can send out that information.

If I have learned anything about child abductions, it is that the more information that is out there, the more people see a child's face, the more chances that something will be solved, and even in this case, the lead was because of that.

There are other instances where the Ryce family actually had operational problems dealing with the Federal Government in terms of coordination. They found themselves there is no coordinated effort for missing children. There is for criminal fugitives, but there is not for missing children. The family was actually calling law enforcement throughout the State who had not even heard or were aware of what was going on.

I am committed, and I know my colleagues from south Florida, I believe, my colleagues throughout this country are committed to doing everything that we possibly can to make sure that there is less of a chance that something like this will ever happen again in this great country.

I think we all need to really feel and share some of the pain with the Ryce family because we are a community of America, and as a community we need to really work on ourselves as a community to make sure that the sickness that exists and the indescribable sickness is eliminated as much as we possibly can.

To the Ryce family, I can only say to them that their strength and their perseverance will, I am sure, be clear that there will be something that will occur in this time, and we know that Jimmy Ryce's soul is in Heaven, and we pray for its continuation.

UKRAINIAN COMMERCIAL LAUNCH POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. WELDON] is recognized during morning business for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, tomorrow the Clinton administration will give away another U.S. industry: the United States domestic commercial space launch industry.

A decade ago, the United States held nearly 100 percent share of commercial space launches. Today the United States holds 30 percent of the market. This loss of market share is largely due to the fact that our competitors receive heavy subsidies from their governments.

Between 1996 and 2001, it is estimated that there will be 350 commercial satellite launches—120 of these will be geostationary launches. These are the high Earth-orbit, expensive launches that the United States dominated until recent years.

For each of these launches that goes overseas the United States loses $50 million—if we lose all 120, that's about $6 billion that will go overseas.

I'm all for the free-market. But I will aggressively oppose any plan that gives the advantage of foreign competitors that receive heavy subsidies from their governments. Mr. Clinton's plan does just this, and that's why I'm an aggressive opponent of his plan.

This chart shows what may happen to our commercial launch industry.

There will be 120 geostationary launches between 1996 and 2002.

It is a given Arainespace—Europe's subsidized space launch industry—will receive 72. That's 60 percent of these launches. Their subsidies allows them to undercut the United States unsubsidized prices.

Under an existing agreement with the Chinese, the United States will allow 20 satellites to be launched on Chinese-Government subsidized launch vehicles.

Under another existing agreement with the Russians, the United States will allow eight satellites to be launched in Russian-Government subsidized launch vehicles.

This only leaves 20 launches for U.S. companies. Well, that is until tomorrow.

Under the new agreement that the Clinton administration will sign with the Ukrainian Government tomorrow, the Ukranian-Government subsidized space launch company will get the other 20 launches.

This leaves U.S. companies with a grand total of zero.

Yes, it's true that U.S. companies can compete for the launch of these vehicles, but with the billions in subsidies from their governments, our foreign competitors will easily be able to undercut U.S. companies.

It is very possible that of the 120 geostationary launches over the next 6 years, none of them will be launched from U.S. soil.

This is a tragedy for U.S. leadership in space. For the American workers who have dedicated their lives to making these launch vehicles. And, for the dedicated and highly skilled workers at our Nation's space launch facilities.

I, along with others, in a bipartisan effort urged the Clinton administration to renegotiate some of the earlier agreements to ensure that the Ukrainian launches were not in addition to those already allotted to our competitors. This suggestion was soundly ignored by the Clinton administration.

I'm pleased that many of my colleagues have also expressed their concerns about this agreement.

The Florida delegation sent a strong bipartisan letter expressing grave concern over the Clinton-Ukraine Agreement which I would like to submit for the RECORD. The distinguished minority leader, Mr. GEPHARDT of Missouri, let the administration know of his concerns in a letter which I would also like to submit for the RECORD.

The Governor of Florida, Lawton Chiles, has expressed his opposition to this agreement. The Colorado congressional delegation also raised objections to the plan.

Mr. Chairman, this Ukrainian agreement is bad for this nation. And, I am disappointed that the Clinton administration appears to have given no consideration to our concerns. In fact, I'm still waiting for a response to my letter of 3 weeks ago.

America is the loser in this deal.

As vice-chairman of the Space Subcommittee, I have called for a Congressional hearing on this issue. I will continue my aggressive opposition this agreement. I urge my colleagues to take a closer look at this and other international agreements that the Clinton administration is negotiating.

CONGRESS OF THE UNITED STATES,
Washington, DC, November 15, 1995.

Ambassador MICKEY KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR KANTOR: We are very concerned about the direction the Administration is taking regarding United States launch policy. Last year, the Administration issued it's National Space Transportation Policy. This policy contained a commitment to negotiate and to enforce international commercial space launch services agreements with relevant non-market economies (NME's). It also contained a commitment to launch U.S. government payloads on U.S. launch vehicles.

Your office is currently in the process of negotiating an agreement with the government of Ukraine. It is deeply troubling that the Administration is considering giving up even more of our domestic launch industry to competitors who are overly reliant on subsidies by their own governments, which distort the competitive market place. Any U.S.-Ukraine agreement must reflect the realities of the commercial market. U.S. commercial launch providers have relied upon the 1994 National Space Transportation policy and have invested hundreds of millions of dollars to build launch vehicles which are built with virtually 100 percent American components, technology, and labor. It is imperative that the following be observed and acknowledged:

Highly subsidized competitors place U.S. launch providers at an unnecessary and unfair disadvantage.

Both the Ukraine and Russia benefit from any Ukraine launch agreement since much of the content of the Ukraine vehicle is of Russian origin.

The purchase or the launch of any NME-built vehicle by a U.S. entity should be counted against any quantity limitation in the relevant trade agreement.

The basic terms of the current US-China and the US-Russia Space Launch Services Agreements should not be modified before they are due to expire.

Additionally, we understand that the Department of Defense (DoD) may be changing it's current policy which prohibits national security payloads from being launched on non-U.S. launch vehicles. We have serious objections to allowing DoD to use non-U.S. launch vehicles for military payloads. This would seriously erode our nation's ability to launch military space assets during times of crisis and severely jeopardize our nation's domestic commercial launch vehicle business by undermining the U.S. launch industrial base.

These policies have the potential to undermine the U.S. national interest of maintaining our domestic launch capabilities and infrastructure. Florida's long, proud history in the U.S. space launch industry may be seriously jeopardized. For our government to give away this heritage and these high-tech, high-wage jobs is unacceptable to American taxpayers and the Florida Congressional delegation.

The U.S. space launch industry is ready to work hard and fight competitively for their market share. But we shouldn't ask them to do so when its own government changes the rules in the market place. We understand that if the proposed plan goes forward, 70 to 90 percent of the commercial, and potentially national security, launches will occur outside the United States. This would be, in our view, very detrimental both to our national security and to our own prospects for future investments by our own launch industry in this country's space infrastructure.

We request that you brief our delegation on your intentions prior to your upcoming meeting with the Ukraine. We look forward to hearing from you very soon.

Dave Weldon;
Mark Foley;
Dan Miller;
Carrie Meek;
Bill McCollum;
Peter Deutch;
Bud Cramer;
Tillie Fowler;
Bill Young;
Porter Goss;
Clay Shaw;
Alcee Hastings;
Lincoln Diaz-Balart;
Charles Canady;
Cliff Stearns;
John Mica;
Jim Trafficant.

U.S. SENATE,
Washington, DC, November 28, 1995.

President WILLIAM J. CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to you regarding a matter that has already received much attention by our colleagues in Congress as well as many in the U.S. space industry.

It is our understanding that the Administration is in the process of negotiating a bilateral agreement with Ukraine which could allow their nation to launch up to 22 U.S. commercial satellites. It is also our understanding that these discussions have prompted Russia to propose reopening its current agreement with the U.S. in hopes of raising their quota to 20 launches.

Without a doubt, such agreements will have a major impact on the U.S. space launch industry and our nation's trade balance. However, it is not clear to us exactly what the effects would be and what other options could, and perhaps should, be pursued by our government as we explore ways to assist these nations to strengthen their economies without hindering U.S. efforts in this area.

We have not passed judgment on this matter since we have not been briefed by the Administration, nor are we aware of any formal briefings being held for Congress, regarding this issue. It seems reasonable that before an agreement is negotiated that the Administration inform Congress of what is being contemplated for agreement as well as its ramification on the U.S. economy and space industry. Therefore, we ask that finalization of any agreement with Ukraine be delayed until either Congress has been briefed or has had an opportunity to hold hearings in this matter. Consistent with this, we ask that current agreements not be opened for renegotiation until such meetings are held.

Your consideration and cooperation in this matter is much appreciated.

Sincerely,

BOB GRAHAM,

U.S. Senator.
CONNIE MACK,
U.S. Senator.
SPACEPORT FLORIDA AUTHORITY,
COCOA BEACH, FL,
November 9, 1995.

Ambassador MICKAEL KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR KANTOR: I am profoundly concerned that consideration is being given to authorizing the use of excess Ukrainian ballistic missiles for sale to commercial United States payloads. As you know, the American launch industry is attempting to establish a strong commercial launch sector. This is especially critical to the economy of Florida in light of continuing reductions in civil and military launch missions.

It is in America's vital national security and economic interests that a healthy commercial launch industry be developed. Recognizing this, the Department of Defense, NASA, the State of Florida and several other state governments have undertaken an ambitious and expensive program of infrastructure modernization. The major aerospace companies no longer develop launch vehicles in response to federal contracts. A fleet of new vehicles is being developed at great expense to meet the requirements of commercial payload customers over the next twenty years. We believe that in the future, space transportation can be as economically significant as aviation.

Unfortunately, this climate of investment would be seriously disrupted if the assumptions of the market and projected demand are rendered useless by allowing the dumping into the market place artificially priced, non-market, heavily subsidized launch assets. U.S. policy wisely prohibits its surplus military launch vehicles to compete for commercial payloads, in order to prevent just such disruptions and distortions to the market.

The mastery of emerging transportation technology has been the root of national prominence and security throughout history. Surely you will agree that the United States should not cut the development of its commercial launch industry off at the knees in order to accomplish foreign aid objectives through alternative means. The price is simply too high.

Sincerely,

EDWARD A. O'CONNOR, Jr.,
Executive Director.

HOUSE OF REPRESENTATIVES,
Washington, DC, November 8, 1995.

Ambassador MICKEY KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR MR. AMBASSADOR: Last year, the Administration issued its National Space Transportation Policy. In the policy, a commitment was made to negotiate and to enforce international commercial space launch services agreements with relevant non-market economy countries (NMEs). Your office is currently negotiating such an agreement with the Government of Ukraine.

In making a recent key business decision, my constituent McDonnell Douglas, relied on the Administration's commitment to negotiate agreements that prevent the disruption of the market and avoid seriously jeopardizing a key part of our space infrastructure. In the spring, McDonnell Douglas announced the planned investment of hundreds of millions of dollars in the development of the Delta III launch vehicle. We believe that this private sector investment in upgrading the nation's launch capability is wholly consistent with, and supportive of, the Administration's goals.

Any change in the Administration's policy, or any weakening of the existing space launch services agreements before their expiration dates, would impede McDonnell Douglas' ability to meet required launch rates and put the Delta III program at risk. These capricious changes in policy also serve to discourage private investment in our launch infrastructure.

Offering the Ukraine 22 potential launches of satellites and reopening the Russian trade agreement to raise their limit to 20 satellite launches, would more than double the limit currently agreed to for the NMEs. This is unfair to our domestic industry and the thousand of high tech jobs at risk.

I urge you to postpone the negotiations with the Ukraine until a more thorough assessment of the impact to our domestic industry can be made and to not reopen the Russian agreement signed only a year ago.

Sincerely,

SCOTT MCINNIS,
Member of Congress.

HOUSE OF REPRESENTATIVES,
OFFICE OF DEMOCRATIC LEADER,
Washington, DC, November 1, 1995.

Hon. MICKEY KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR MICKEY: I understand that serious consideration is being given to revising this country's space launch services trade agreement program in a manner that will severely jeopardize McDonnell Douglas' ability to continue in the commercial launch vehicle business. The change may be recommended in relation to the U.S.-Ukraine Space Launch Services Agreement which your office is currently negotiating.

Specifically, an Interagency Working Group is expected to recommend to you and the White House a substantial change in policy regarding such trade agreements. My constituent, McDonnell Douglas, relied upon the 1994 National Space Transportation Policy when it announced in May, 1995, its decision to invest hundreds of millions of dollars to build a new vehicle—the Delta III. Its existing Delta II vehicle currently has the best reliability record in the increasingly competitive international market. The Delta III will be virtually 100% American in terms of components, technology, and labor. This is significant at a time when other U.S. manufacturers of these strategic assets are purchasing foreign components or buying foreign vehicles off the shelf in lieu of domestic production.

For instance, the Boeing "Sea Launch" proposal would utilize Ukrainian-built vehicles at "dumped" prices. They would be launched from a platform in the Pacific Ocean—not from the States of Florida and California. Similarly, the Lockheed Martin Corporation has joined forces with a Russian entity to offer below market pricing for flights on the Russian Proton vehicle. On the other hand, the McDonnell Douglas commercial space operations are located primarily in California, Colorado, and Florida. They employ approximately 6,000 people in high-technology jobs in those states. We cannot afford to export these jobs which are so important to our national security infrastructure.

If the recommendations are accepted and implemented, 70-90% of commercial launches will occur outside the United States, using foreign assets. This policy shift will significantly affect the viability of McDonnell Douglas' investment to develop the Delta III and any future investments.

I thank you for your thoughtful consideration in this very important matter.

Yours very truly,

RICHARD A. GEPHARDT.

THE GOVERNOR OF THE
STATE OF FLORIDA,
July 12, 1995.

Hon. BILL CLINTON,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: I appreciate the ongoing efforts of your administration to develop a National Space Policy that recognizes the concerns of Florida and other states that are investing in commercial space launch capabilities. At the invitation of the Office of Science and Technology Policy (OSTP), representatives from Florida, California, Alaska, New Mexico, and Virginia gathered in Washington recently to discuss launch policy issues common to our states. We presented a broad range of issues which are critical to the development of state-sponsored spaceports.

Of particular concern to Florida is the challenge to United States competitiveness for commercial satellite launches. This challenge is due in part to existing bilateral agreements between the U.S. and countries with non-market economies, such as China and Russia, which permit those countries to launch significant numbers of U.S. satellites. We certainly recognize the importance of these agreements and the strategic alliances they represent. In looking at the establishment of new bilateral agreements, such as the one we believe is proposed between the U.S. and the Ukraine, we wish to encourage that careful consideration be given to domestic economic needs; effective enforcement of agreed upon launch quotas and a monitoring program to assure that Florida and other states are able to complete equally with foreign countries.

The State of Florida is committed to building our space industry's competitiveness and we believe strongly that the commercial launch marketplace offers an exciting transition for companies who are experiencing diminishing defense contracts.

Your leadership role on this vital issue will assist the U.S. commercial launch industry in receiving the domestic policy support that is required to increase our international competitiveness. I appreciate your continued attention to space industry issues and look forward to the release of the National Space Policy.

With kind regards, I am

Sincerely,

LAWTON CHILES.

□ 1315

BUDGET ROBS STRUGGLING FAMILIES TO PAY THE RICH

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Massachusetts [Mr. OLVER] is recognized during morning business for 5 minutes.

Mr. OLVER. Mr. Speaker, in last month's continuing resolution agreement, Republicans and the President committed to a balanced budget which would include, and I quote, "tax policies to help working families." However, by cutting the earned-income tax

credit, the Republicans' balanced budget plan raises taxes on over 12 million working families whose income is less than $30,000 per year.

Now, the Republicans like to give the impression that all earned-income tax credit recipients are so poor that they do not pay income taxes, and therefore, do not deserve a tax credit, however much such people in such low-income working categories need it. Mr. Speaker, that is simply not true.

The Republican budget actually targets tax increases to millions of working families who do pay income taxes, taxes that are withheld from their hard-earned paychecks.

Now, the Republicans also claim that their $500-per-child tax credit makes up for their cuts to the earned-income tax credit, but that is not true either. Even with the child credit, the Republican plan leaves over 7 million families poorer.

Now, that is not a tax policy that helps families; it is one that drives them toward poverty. It does not protect children; it threatens them. And it does not live up to the continuing resolution agreement; it violates that agreement.

The Republicans even had to violate their own House rule requiring a three-fifths majority to raise taxes in order to pass these tax increases.

It was all to give $245 billion in tax breaks that go mostly to the fewer than 10 percent of the wealthiest Americans who make more than $100,000 a year, tax breaks so large that they actually cause the deficit to go up in the first 2 years of the Republican plan, and then, after 7 years, the tax break explodes as far as the eye can see.

So do not believe the Republican plan when they say they have to raise taxes on working families to balance the budget. It is unnecessary. It is unfair. It is wrong, so we should not do it.

The Republicans should live up to their agreement to support a budget that does not rob struggling families to pay the rich.

H.R. 1020 WILL BUST THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Nevada [Mr. ENSIGN] is recognized during morning business for 5 minutes.

Mr. ENSIGN. Mr. Speaker, I rise today to talk about H.R. 1020, which has to do with nuclear waste storage. It is also called the "budget buster," because this bill will indeed bust the budget. It will bust the budget by over $4 billion in the next 7 years.

Mr. Speaker, not only is there a problem with this bill as far as the budget is concerned; there is also a problem with this bill as far as safety and as far as States' rights are concerned. Let me address just a few of the points that this bill fails to address.

First of all, the nuclear waste repository was originally put forth in 1982 to be in the State of Nevada or two other sites. In 1987, the famous bill that we in Nevada obviously are very much opposed to eliminated the other two sites from being studied and put it only at Yucca Mountain. This deep geological storage area has been being developed for the last several years.

No good science is being used out there; this is purely a political process. But in the process of developing Yucca Mountain, transportation of the waste to Yucca Mountain has been studied. It had to be made safe.

Well, in the process of developing a safe, reliable way of transporting the nuclear waste to Nevada, lo and behold, it was discovered dry cast storage would also store nuclear waste for the next 100 years in a very safe, reliable manner.

We can actually leave this nuclear waste on site in dry casts for the next 100 years, and if we want to retrieve it, if we develop technology that allows us to use this spent nuclear waste, then we will have it at the sites and be able to retrieve it very easily. If we bury it into the ground, we will not be able to retrieve this waste. Therefore, from an economic standpoint, it is much cheaper to have on-site dry-cast storage.

Yucca Mountain was originally supposed to be $200 to $400 million total. In recent years now, new studies have come out where Yucca Mountain will cost over $30 billion to develop. That is one of the reasons it is a budget-buster, $30 billion versus $200 million, and that is just current estimates. We all know, 10 to 15 years from now, what happens to government estimates; they always go up. So how big will this bill be for the U.S. taxpayer?

Some people say that this is a national security issue. I want to raise that point. Some people say that it is not safe to keep this nuclear waste at all of these storage facilities around the country. Well, if that were the case, why do we not have U.S. troops guarding these places currently?

This is not a national security issue, and therefore, it becomes a States' rights issue. All of these States that have enjoyed nuclear power over the years, Nevada not being one of those States, should have to deal with the waste, because it is not a national security issue. Those States that have benefited from the power and the low-cost power over the years should pay and should have that stuff in their backyard, this nuclear waste Nevada has never had the benefit of; and therefore, it should not be dumped on a small State just because that small State only has two Representatives in the House.

Mr. Speaker, this whole process has never been based on sound science, has never been based on economics, but has been based purely on politics. We in Nevada understand that everybody wants to get nuclear waste out of their backyard and into Nevada's backyard. However, we oppose this measure, because not only will it bust the budget by over $4 billion, and when we are looking at potentially $30 billion total money spent on this deal, the $4 billion actually becomes a very small number, but we also oppose this on States' rights issues.

The 10th amendment clearly states that those powers not given to the Federal Government are reserved for the States and/or the people. Where in the Constitution does it give, when it is not dealing with a national security issue, this Congress the power to ship nuclear waste to a State that does not want it? This is a clear violation of the 10th amendment.

Mr. Speaker, let me conclude by saying that political expediency is not what this new Congress is about. That is not what we were elected to do. We were elected to respect the Constitution, and we were also elected to balance the budget. H.R. 1020 is a violation of everything that we were elected to do.

AMERICANS NEED MEDICAID WORKING FOR THEM

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized during morning business for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the assumptions by the Congressional Budget Office give us greater flexibility in reaching a budget agreement, and that is indeed great news. However, we know we will not be able to use all of that $135 billion that the Republicans have found, but one of the places where in the budget we ought to at least begin to think about investing those moneys would be Medicaid. Medicaid needs those funds for a variety of reasons, because this is the Federal program that is indeed provided to provide health care for the most vulnerable of our society.

The Republican plan that was rejected and vetoed by the President really ignores the past and hurts senior citizens; it disregards the present and neglects the future. It hurts children, as well as women who suffer under this program.

If the Republicans have their way, you must remember that they would give 245 billion dollars' worth of tax cuts, but at the same time, they would have 163 billion dollars' worth of cuts in Medicaid.

Now, those are not really cuts; to use their words, this is just slowing the growth. Nevertheless, you would have $163 billion less resources to provide health care for the elderly, for children, for mothers and the disabled who need those programs and who are currently using those programs now.

We should be reminded that some 36 million Americans use Medicaid, and that is the only health program that they have available to them; 26 million of those 36 million people are the very poor. Of that 36 million, 26 million of those persons are very poor. They are children, they are elderly and, again, they are the disabled.

Again, if the Republican cuts stand, that would mean that they will underfund a block grant to the States, and those persons who are now covered by Medicaid, currently covered by Medicaid, will now have to compete among others, if they will be covered at all, in the year 2002.

So Medicaid as a program, we must understand, is the underpinning for at least 26 million very, very poor persons, and at least 36 million Americans. Again, who are they? They are the elderly, they are pregnant women, they are children, and they are the disabled; no other health care do they know other than that. So when we reduce that by $163 billion over 7 years, choices will have to be made as to who will be covered and who will not be covered.

States will be forced to make some very difficult decisions with their limited Medicaid funds. They must choose now, who will they offer health care? Which among those who are disabled now will have a health care and which will not have health care? Those are difficult choices to make between people you are now serving; and why should we have to make those difficult choices when there are other options? These choices are unnecessary in the very beginning.

We should remember that when we created Medicaid in the first instance, it was indeed to speak to the most vulnerable of those who need health care. This is not to suggest that Medicaid does not need to be reformed; of course, containment needs to be made. There are ways to have cost containment. There are ways to have better health care and prevention without denying people the opportunity of having health care.

Again, if you have to choose between $245 billion worth of tax cuts at the same time by reducing the growth of $163 billion over 7 years, you will have to make choices between millions of disabled persons, thousands of elderly persons and an unknown number of persons who are covered as mothers and children.

In my judgment, that is no choice, no choice whatsoever. Again, the President has offered a plan that cuts Medicaid by one-third as much as the Republican plan and yet balances the budget, cuts Medicaid by one-third as much and balances the budget. But more important than that, he maintains Medicaid as a Federal program, as entitlement to the people, not to the States, where the Republican plan would be an entitlement to the States. They would say, States, you have a right to this program, not people, not those 36 million people.

We will now be saying, North Carolina, California, Montana, whatever, States, you have that right, not people who live in the State.

So the President's plan would preserve Medicaid as a federally sponsored program that would be provided for those who are least among us and the poor.

Medicaid is indeed an important program. We need to know how to make it more efficient; we need to make sure we serve as many people as we can.

Again, Medicaid as a block grant with no guarantee of health coverage whatsoever will mean that children and older Americans may have no place to turn. Indeed, America can do better than that. America can find a way to keep this entitlement for all of its citizens.

□ 1330

WHY WE NEED A BALANCED BUDGET

The SPEAKER pro tempore (Mr. EWING). Under the Speaker's announced policy of May 12, 1995, the gentleman from Michigan [Mr. SMITH] is recognized during morning business for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, for the first day during the budget negotiations to try to come to a compromise for a balanced budget, the administration and Congress, I think, have made some progress. Maybe some of the hopefulness is in what has been suggested, that the CBO has estimated now that approximately $135 billion extra will be available in their new baseline, and that means the differences are less in the dollar amount between the House and Senate.

Here is one problem, though, in the CBO estimate of their prediction of a somewhat rosier economy in the next 3 or 4 years. That is the fact that it is exactly that, it is 3 or 4 years. The projection in the fifth, sixth, and seventh year is so ambiguous that that is not where additional revenues coming into the Government are coming from.

Therefore, when you decide the social programs that are going to be continued and expanded, when you decide the entitlement programs that are going to be continued and expanded, you have to take into consideration what is going to happen the fifth, sixth, and seventh year. Those issues still need to be addressed today.

I particularly am very concerned about what happened on November 15 when the President disinvested the so-called G fund and the thrift savings fund as well as the civil service retirement trust fund for a total of $61 billion.

Congress, who is given the authority in article 1, section 8, of the Constitution to control borrowing, has now had some of that power taken away from them by an administration that has found a special way to increase the debt load of this country by raiding the trust funds, $61 billion.

It took this country the first 160 years of its existence, through Pearl Harbor, into World War II, before we had amassed that kind of a $60 billion debt. In one fell swoop, the President and Mr. Rubin increased the debt load of this country another $61 billion.

What I would suggest is that it is important to try to regain control of spending in this country and the debt ceiling in this country.

Mr. Rubin suggests, well, once we have appropriated the money, it is the responsibility of Congress to come up with whatever is necessary in additional borrowing authority to pay off those debts.

Here is what is being left out of the discussion, Mr. Speaker. It is the fact that most of the spending, most of the cuts to achieve a balanced budget are coming from the entitlement changes. Since a majority in Congress can no longer reduce spending through the entitlement programs without the consent of the President, we have lost some of our authority to control the purse strings of this country. So it is very appropriate to tie the debt ceiling limit to conditions of changing the entitlement programs of this country, to try to have the U.S. Government live within its means.

We need to remind ourselves what we are talking about in terms of what borrowing is doing to our economy and the obligation that that is passing on to our kids and our grandkids.

We are borrowing money now because we think what we are doing and the problems that we face are so important that it justifies us going deeper into debt and telling our kids and our grandkids that they are going to have to pay back this debt out of money they have not even earned yet. They are going to have their own problems.

Most people conceptually say, well, yes, Government should try to live within its means and balance its budget. The fact is, is that it has such an impact, not only on our moral obligations of what we pass on to our kids as far as increasing their obligation and problems, but also its effect on our economy.

Alan Greenspan, our chief banker of this country, head of the Federal Reserve, came into our Budget Committee and said, "Look, if you are able to end up with a balanced budget, interest rates will go down between 1½ and 2 percent."

Two weeks ago, he went to the Senate Banking and Financial Services Committee and said, "Look, if you do

not end up with a balanced budget, interest rates could go up another 1 percent," a dramatic difference in the effect of our individual lives, on how much it costs us to buy a home or borrow money to go to school or buy a car.

Let me just say that it is so important to our future, to our economy, to our well-being in this country and the well-being of our kids, that we have got to have a legitimate balanced budget, and I sincerely hope the administration and Congress will get together and achieve that particular goal of a real, no smoke-and-mirrors balanced budget.

RESPONSIBILITY AND ACCOUNTABILITY FOR MEMBERS OF CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, it is with great pain that I come to this House floor as the senior woman in this House to discuss what I watched yesterday in the press conference coming from Salt Lake City by our colleague. No, I am not here to talk about shedding tears. I have been one to shed tears. In fact, if Members of Congress had corporate sponsors like race car drivers do, my corporate sponsor would probably be Kleenex. But I am here to remind this body that shedding tears does not shed us of our responsibilities that we take when we assume this very solemn task of stewardship for the people in our district when they send us here to represent them.

I watched and was terribly troubled, because I think it is time we as Members of this body realize that when we get elected, we are the ones that get elected. Our spouses do not get elected. Our staffs do not get elected. If we choose to delegate some authority to our spouses or to our staffs, then we must stand and take the responsibility for that delegation. Because only our name is on that ballot, and that ballot is a very, very sacred act in the democracy. When you vote for a person, you are to get that person or that person's judgment, and that is all we have that holds representative government together.

So as I watched yesterday and I heard the many explanations, I was even further troubled by the explanation that, even though everybody knows none of us are allowed to receive more than $1,000 to campaign with from either a spouse or a family member or a friend or anybody. No one is allowed to receive more than $1,000. You can only spend more than that if it happens to be your own money.

And so hearing that, "Oh, well, I did it but, you see, you cannot give an election back, so on with the show."

Well, you may not be able to give an election back, but I must say you can step down. You can step down. If any American went out and procured items with illegally-gotten money and that was discovered, they would have to give it back. They would have to give it back. You can never undo what was wrong, but you try to make recompense.

I think we have these laws that we either honor or, if we are going to ignore them, find out about them later and say, "So be it," it does not work. It does not work.

Saying that you signed blank statements and you are very sorry that they filled them in, hey, let us see the average American be able to use that defense with the Internal Revenue Service: "I just signed a blank 1040. Someone filled it in, and I did not really mean to do it." That does not work. None of us are allowed to delegate our citizen responsibility, our representative responsibility, unless we are willing to stand and take the consequences for it.

So I think in this society where there has been so much talk about people trying to become victims and "Because I am a victim, therefore I am not responsible," that does not work.

This great democracy only works if every one of us stands up and takes responsibility for what we undertook and takes responsibility for being the captain of our own ship and our own lives.

So it is with great pain that I say these things today, because obviously my colleague has been very hurt and been very hurt in love, which many people can be hurt. But that does not give people an excuse to walk away from their duties or to overlook all the different things that went on that should have been warning signals, and I do not think we should allow that to be used in this case, either.

So I hope all of us take that seriously, think about our responsibility seriously and wonder how in the world this democracy can ever work if we allow people to be able to shed tears and be able to shed responsibility, or claim victimhood and therefore shed responsibility.

Responsibility is not another layer of skin like a snake has, and you can just say, "Oops, I am out of there, I am someone new."

No, we must be held accountable for our acts. That is the very, very basis of this Government. And yesterday for me was a very sad day.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess until 2:30 p.m.

Accordingly (at 1 o'clock and 41 minutes p.m.), the House stood in recess until 2 p.m.

□ 1430

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EWING) at 2 o'clock and 30 minutes p.m.

ANNOUNCEMENT OF INTENTION TO OFFER PRIVILEGED RESOLUTION PROVIDING FOR THE EXPULSION OF REPRESENTATIVE WALTER R. TUCKER III, FROM THE HOUSE OF REPRESENTATIVES

Mr. SENSENBRENNER. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX of the House of Representatives, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House. The form of the resolution is as follows:

A resolution providing for the expulsion of Representative Walter R. Tucker, III from the House. *Resolved*, That pursuant to article I, section 5, clause 2 of the United States Constitution, Representative Walter R. Tucker, III, be, and he hereby is expelled, from the House of Representatives.

The SPEAKER pro tempore. The Chair will announce scheduling of that privileged resolution within 2 legislative days.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes on each side.

SECRETARY OF ENERGY MISUSES PUBLIC FUNDS

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, more than a month ago I came to this floor and called upon President Clinton to dismiss the Secretary of Energy, Hazel O'Leary. I said that she should not remain in office for even 1 more day after we learned of her use of public funds to rank news reporters based on their treatment of her.

But, Mr. Speaker, while the White House condemned her conduct the President allowed Secretary O'Leary to remain and to continue spending public funds. Now we learn that she has soaked the taxpayers for millions more

by living the high life on foreign junkets—while padding the payroll here at home.

Half a million dollars for a trip to Pakistan? Unbelievable. $850,000 for a trip to China? That's an outrage. No wonder this administration has such difficulty swallowing a balanced budget and letting taxpayers keep more of their own money. Cabinet status ought not entitle one to take a perpetual five-star vacation at taxpayer expense. Instead of dismissing these concerns, this time the President ought to dismiss Secretary O'Leary.

FULL FUNDING FOR LIHEAP

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, winters in Massachusetts can get pretty cold. This Sunday, with the windchill, it went down to below zero—and we're not even half way into December.

These low temperatures mean that a lot of homes can get dangerously cold in the winter—especially if families have trouble paying high heating bills.

That's why the Home Energy Assistance Program, known as LIHEAP, is so important and that's why 180 of my colleagues and I are going to do everything we can to make sure it isn't eliminated. We've written a letter asking for full funding for LIHEAP.

Mr. Speaker, I would tell my colleagues who may vote to kill LIHEAP—It's cold out there. The rich don't need another tax break. Please keep the heat on.

PROTECT THE FUTURE—SUPPORT THE REPUBLICAN BUDGET

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, the Dallas Cowboys are losing and the American people are also losing as long as our President puts his priority on spending. The simple truth remains: The President is against a balanced budget because he wants to spend more taxpayer dollars to expand the size and scope of the Government.

The proof is in the details. The President's first and second budgets would leave huge deficits. The President's third budget spends an additional $400 billion, does not balance, and raises your taxes.

Our President is still the same old tax and spend liberal.

That's why House Republicans are standing firm for a balanced budget that ends deficit spending and preserves America's future. A budget that ensures prosperity, ensures stability, and ensures freedom for all Americans. Protect the future—support the Republican balanced budget.

DONALD EUGENE WEBB SHOULD BE BROUGHT TO JUSTICE

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, 15 years ago last Monday I was a young television reporter in a small town called Saxonburg, PA, which now happens to be in my congressional district. I was there because in the middle of the afternoon the police chief in that small town, Gregory Adams, was murdered. He was beaten and he was shot with his own gun; and today the perpetrator of that heinous crime remains free.

His name is Donald Eugene Webb, and he is either in the enviable or unenviable position of being on the FBI's 10 Most Wanted list a record amount of times. In 15 years neither the FBI nor any other law enforcement agency has seen Donald Eugene Webb, even though the full efforts of the Pennsylvania State Police and the Federal Bureau of Investigation have been extended.

Webb has been named fugitive of the week by Pennsylvania Crime Stoppers. His story has been told on "America's Most Wanted," on "Unsolved Mysteries," and no one who has seen any of these shows has seen Donald Eugene Webb.

Mr. Webb's family, including two sons who were infants and who are now young teenage men, deserve an answer. His widow has since remarried and deserves an answer. The people of Saxonburg, PA, and all of law enforcement deserve to have an answer, and deserve to have Donald Eugene Webb brought to justice.

SAVE THE AMERICAN DREAM

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, while there are some significant differences between the Republican Balanced Budget Act of 1995 and President Clinton's unbalanced budget act of 1995, both sides in the debate agree that we should spend significantly more on Medicare each year.

Now, the difference between the increased spending in President Clinton's budget and our budget over the next 7 years is, get this, less than 2 percent. So where is the fight?

Under the Republican budget, Medicare spending grows from $178 billion to $289 billion by the year 2002, and spending per senior grows from $4,800 to $7,100 by the year 2002.

Under the President's budget, Medicare spending starts out at $178 billion, just like under the Republican plan, and increases to $294 billion by the year 2002. Spending per senior citizen increases from $4,800, again just like the Republican budget, up to $7,245, a pinch less than 2 percent over the Republican plan. So again I ask, where is the beef? Where is the problem?

Mr. Speaker, it is time that the President stop using imaginary Medicare spending cuts as an excuse for not balancing this budget. It is time for him to help the Republican majority put our House in order and save the American dream for the next generation.

TAXES, TAXES, TAXES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, how can America be bankrupt? There are airport taxes, highway taxes, excise taxes, estate taxes, gas taxes, property taxes, income taxes, sales taxes, luxury taxes, nanny taxes, old taxes, new taxes, hidden taxes, inheritance taxes; there is even now a tax called a sin tax. I say to my colleagues, no wonder the American people are taxed off.

The truth is that Congress as a Congress that taxes everything ultimately will tax freedom and will not balance anything. What is next? A budget tax? Is it any wonder that the American people are saying, kiss my taxes?

Beam me up, Mr. Speaker. I yield back the balance of my taxes.

THREE BUDGETS FOR CONGRESS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the third time is a charm, right? Well, not for this President. Last week he tried, once again, to lay out a balanced budget plan. Unfortunately, the President missed the mark by well, $400 billion.

The simple fact is, the only budget proposal proposed thus far that balances the budget in 7 years, cuts taxes for working families, saves Medicare from bankruptcy, and reforms welfare is the Balanced Budget Act of 1995 which President Clinton vetoed last week.

The President has now presented three budgets to Congress, well, one budget and two sets of talking points; yet none of them comes into balance.

Mr. Speaker, it is time for the President to keep the promise he made 23 days ago: Balance the budget in 7 years using honest numbers. There is only one person standing between the American people and a balanced budget, and that one person is Bill Clinton.

COUNTDOWN TO SHUTDOWN

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, this is day four of the countdown to shutdown. It no longer looks as if shutdown lies ahead for the Federal Government. A CR until January sometime is more likely. For the District of Columbia, a CR is only marginally better than a shutdown.

Mr. Speaker, you cannot run a complicated city on a month-to-month basis. It makes it almost impossible to make rational management and financial decisions.

Thanks to a bipartisan bill, the D.C. Fiscal Protection Act, D.C. may be spared this new atrocity; the subcommittee will mark up a bill tomorrow. The full committee has waived jurisdiction, indicating how important it is to allow the District of Columbia to spend its own money. Yes, its own money; 85 percent of the money in our appropriation is raised from District taxpayers.

Community leaders representing those taxpayers met with me in a town meeting last night. They are the innocent bystanders. They say that there could be no greater waste than forcing the District to pay employees on a CR basis. Free the D.C. 85 percent.

DO NOT BALANCE THE BUDGET ON BACKS OF SENIOR CITIZENS

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, as we begin to consider how to balance the budget this week, we must remember people. Let us not balance the budget on the backs of our senior citizens.

We do not need $245 billion in tax breaks for the wealthiest 1 percent of this country and for large corporations. We must keep in mind what our decisions do to ordinary people.

One of my citizens recently wrote to me, and if I can quote from that letter:

> We used all of our life savings on Medicare and doctor bills for our golden years and now we are on Medicaid. If it were not for the help from Medicaid, we would both die. Please help us and do not let the Republicans take this away from us, because I am so afraid of this happening. With all of our medical problems, we still carry our high insurance, even though I have to borrow the money from family, and they really do not have it to give. And our insurance stops at 65. Then where will we be? Please help us.

Let us help the ordinary citizens of this country. Let us repeal the tax breaks for the wealthiest and the large corporations of this country. Let us put people first and not corporate welfare first.

REPUBLICAN BUDGET PUNISHES POOR CHILDREN

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, when it comes to taking care of children, the Gingrich welfare reform bill says, if you are a poor kid, do not get sick. Because we learned today that the Speaker does not have any qualms about taking away children's health insurance. In fact, his welfare reform bill takes Medicaid from AFDC recipients.

This hits home to me, because 28 years ago I was forced to go on welfare to provide my three children with the medical coverage and the health coverage they needed through Medicaid. I know what it is like to lie awake at night, worried to death that one of my children might get sick.

Mr. Speaker, I will not stand by quietly as the Speaker of the House tries to force this agony on other mothers, other mothers who are trying so hard to do what is best for their children.

Mr. Speaker, welfare reform is not supposed to be about punishing poor children. It is about improving their lives by giving their parents the education, the job training and the child care needed to get a job so that they can stay off welfare permanently.

□ 1445

LET US GET THE JOB DONE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, let me remind people one more time that September 30 was the end of the fiscal year, and we did not get our job done. Now to be talking about shutting down Government because we did not do our job is absolutely outrageous. The only people that get hurt by this are the taxpayers. They are going to pay more and get less, which is absolutely the inverse of what they want. They would like to pay less and get more. So we got it wrong.

Now, we ought to move on these bills, get them done, get our work done. It is so late, if any other American had their work that late, they would be fired.

Then we ought to move on to getting this budget put together. It is not about whether we are going to have a balanced budget in 7 years. Both sides agree to that. It is whether we are going to have a huge tax cut for the rich that has been called the crown jewel of the contract.

Well, I am not sure with a country that runs this kind of deficit we need to be giving out jewels to the rich. That is what it is all about. Keep that focus, get the work done, and for heaven's sakes, get this body out of here for the holidays.

DEMOCRATS WILL PROTECT SENIORS AND STUDENTS

(Mr. HILLIARD asked and was given permission to address the House for 1 minute.)

Mr. HILLIARD. Mr. Speaker, at a time when the Republicans continue to cut, slash, and rip almost all of the programs designed for our seniors and our children, the country should know that the Democrats in this Congress are fighting the extreme forces of right-wing radicals.

While our Republican colleagues have chosen to serve the special interests of the rich by their sponsorship of the greedy and selfish $245 billion tax break for the wealthy, we Democrats are fighting for the many programs that are vital to working Americans. We Democrats are fighting to preserve Medicare, which will cost over $450,000 loss to one hospital, Baptist Princeton in my district, from now and each year thereafter until the year 2002.

While we are fighting to preserve Medicaid, the Republicans are cutting long-term and acute care all across this country. While we are fighting to preserve education, the Republicans are cutting math programs, reading programs, Head Start, and other job-related programs.

Mr. Speaker, it should be obvious that the Democrats are fighting for the working men and women of America and the Republicans are fighting to serve their rich masters.

BALANCED BUDGET SHOULD PROTECT MEDICAID

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, in the budget continuing resolution the Government is operating under, Republicans committed to a balanced budget that must provide adequate funding for Medicaid.

But by slashing Medicaid by $163 billion, their budget plan threatens the health security of disabled and elderly Americans and the income security of the families who love them.

The Republican plan completely eliminates the guarantee of long-term care.

It allows the States to go after every penny—and every piece of property—held by families of those who need nursing care.

And all to give $245 billion in tax breaks mostly to the very wealthiest among us.

Republicans should live up to their agreement and support a budget that protects Medicaid, rather than obliterating it.

BOSNIA PEACEKEEPING MISSION DESERVES SUPPORT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, over the weekend, I joined a fact-finding trip to Bosnia. I left with strong reservations about our military mission there, but I have returned with the knowledge that our troops are ready and our mission is clear. I have also returned with a belief that we have a moral obligation to do what only a U.S.-led force can do: Keep the peace.

One of the highlights of our trip was a stopover in Germany to visit with American troops who will be deployed in the coming weeks. While there, I had a chance to speak with a young soldier from New London, CT, Pvt. Jarion Clarke. Private Clarke told me that he is well trained, has faith in his leaders, and believes in the United States mission in Bosnia.

I asked Private Clarke what I could do for him: "Tell the American people that we are ready and we need their support," he said. So, that is the message I bring. Our soldiers need our support. They deserve our support. The peace-keeping mission in Bosnia deserves our support.

SUPPORT THE TROOPS IN BOSNIA

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, I wish to echo the sentiments of the previous speaker, the gentlewoman from Connecticut (Ms. DELAURO). I, too, was on that mission. I, too, had serious reservations of going into the Balkans. We covered five countries in 4 days in that weekend period with a bipartisan delegation of outstanding Members of this U.S. House of Representatives.

I came back most impressed with Snuffy Smith, the admiral, and General Crouch, who have charge of our troops. These men know what they are doing. These troops are ready; they are well trained. It is not risk-free, but the western alliance and America's status in this world is at stake in this matter.

One person said something that will last with me forever, and that is that the people in the Balkans need a period of decency.

I have never seen such devastation as we saw in Sarajevo. I ask of this House when we consider, if we do, any resolution, that we take into consideration the immense need to support the troops of the United States of America.

NOT A BALANCED BUDGET

(Mr. TAYLOR of Mississippi asked and was given permission to address the House for 1 minute.)

Mr. TAYLOR of Mississippi. Mr. Speaker, in today's USA Today on page 7 is an ad that contains the following advertisement where the National Republican Party offers a million dollars to the first citizen who can prove that the following statement is false: "In November 1995, the U.S. House and Senate passed a balanced budget bill." Then it goes on to talk about the increases in spending for Medicare.

In November 1995 the House and Senate passed a budget bill that increases the annual operating deficit of this country by $33 billion. You see, next year's annual operating deficit will be $296 billion, of which $118 billion will be stolen from the trust funds that you good people are paying into on your Social Security and other programs.

That is not a balanced budget. Mr. Barber, you can write the check care of the University of Southern Mississippi scholarship fund. You are out $1 million.

DISCHARGING COMMITTEE ON WAYS AND MEANS AND REREFERRAL TO COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE OF H.R. 2415, TIMOTHY C. McCAGHREN CUSTOMS ADMINISTRATIVE BUILDING

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent the Committee on Ways and Means be discharged from consideration of the bill (H.R. 2415) to designate the U.S. Customs Administrative Building at the Ysleta/Zaragosa Port of Entry located at 797 South Ysleta in El Paso, Texas, as the "Timothy C. McCaghren Customs Administrative Building," and that the bill be rereferred to the Committee on Transportation and Infrastructure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

CORRECTIONS CALENDAR

The SPEAKER pro tempore (Mr. EWING). This is the day for the call of the Corrections Calendar.

The Clerk will call the first bill on the Corrections Calendar.

REPEALING SACCHARIN NOTICE REQUIREMENT

The Clerk called the bill (H.R. 1787) to amend the Federal Food, Drug and Cosmetic Act to repeal the saccharin notice requirement.

The Clerk read the bill, as follows:

H.R. 1787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NOTICE REQUIREMENT REPEAL.

Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by striking paragraph (p).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. BILIRAKIS] and the gentleman from California [Mr. WAXMAN] each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1787, legislation to repeal an unnecessary saccharin notice requirement that, with the passage of time, has become redundant and unnecessary.

In 1977 Congress passed a law preventing FDA from banning the use of saccharin. As an interim measure, the law required stores that sold products containing saccharin to post warnings until package labeling would include the required warning.

As warnings are now on all packages containing saccharin, there is no reason to maintain an unnecessary warning requirement. Eliminating this requirement will save retailers—and ultimately consumers—from unnecessary compliance costs.

I want to commend the sponsors of this legislation for bringing this bill forward, especially the gentleman from California [Mr. BILBRAY]. I also want to commend the Speaker's Advisory Group on Corrections that includes the ranking member of the Health and Environment Subcommittee that identified this bill as a candidate for the Corrections Calendar.

I thank my colleagues on both sides of the aisle for their support of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation. It is a good candidate for the Corrections Day Calendar because this bill would correct a provision in law that requires the posting of a warning sign about the potential dangers of saccharin which is really no longer necessary. It was put into the original law dealing with saccharin at a time when we thought there ought to be a warning until such time as the label itself on the product contained the information to advise consumers.

I think that the gentleman from California [Mr. BILBRAY], my friend and colleague, is to be commended for bringing this issue to our attention. This is a bill that no one should disagree with. It is correcting a problem. I think that it is overdue. I would urge support for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I rise in support of H.R. 1787. First, I would like

to begin by thanking the gentleman from California [Mr. COX] and the gentleman from North Carolina [Mr. BURR], who joined me in introducing this common sense correction bill back in June.

Also, Mr. Speaker, I would like to thank the gentleman from Florida [Mr. BILIRAKIS] and the gentleman from Virginia [Mr. BLILEY], who have guided this bill through subcommittee and committee and brought it to this process of corrections day with the support of the gentlewoman from Nevada [Mrs. VUCANOVICH].

The focus of this bill's correction is a classic example of the need of the correction day and the intent that was stated by the Speaker in the days that he introduced it. This bill is a good example of how we can streamline existing law and make more sensible, effective law out of a system that needs updating.

H.R. 1787 will eliminate a once-needed but now unnecessary regulation while continuing to provide consumer information and protection to small business owners and consumers alike.

The need for this bill, Mr. Speaker, became apparent last year when 54 retail companies in California were served a complaint under the State's bounty hunter statute. This complaint alleged that the stores had failed to maintain a saccharin warning sign in violation of Federal law. In April of this year, more than 20 supermarket companies in North Carolina were threatened with lawsuits for failure to have the warning signs posted.

Mr. Speaker, many of these stores that are affected are mom-and-pop operations and the signs might have got ten lost, might have been stolen, could have fallen behind the charcoal briquettes in the front of the store. They may have even been unaware that the regulation existed at all.

□ 1500

In any event, I think we can agree that a lawsuit on this ground would qualify as ridiculous. H.R. 1787 removes this threat from small retailers around the country while continuing to require the consumer warnings continue to be placed on the packages of the products that contain saccharine.

Mr. Speaker, I have here a letter which underscores the need of H.R. 1787, which I would ask to be included in the RECORD, and it describes the writer's intent to sue a food store chain for $2.5 million for violating the saccharine warning notice requirement, and I quote from that letter: "for the direct endangerment of my personal health over the years."

Mr. Speaker, I would like to say my friend and colleague, the gentleman from California [Mr. WAXMAN], who originally wrote the law, has reviewed my bill and agrees that while the warning notice requirement served its purpose in 1977, it is no longer required in 1995. I appreciate the support of the gentleman from California [Mr. WAXMAN], his sense of historical perspective and the strong bipartisan support of my colleagues from this sensible and noncontroversial bill.

In closing, Mr. Speaker, I need to say the American people want to see more bipartisan support, more bipartisan cooperation across the aisle, and they also want us to be brave enough to do what is best no matter which side brings up a good idea. Mr. Speaker, this is one of those things that needs to be improved. The original author recognizes that the time has passed for this regulation to be in force, and I ask the rest of the House to join with the gentleman from California [Mr. WAXMAN] and this gentleman from California [Mr. BILBRAY] in correcting a problem that should not be allowed to exist any further and also to prove that bipartisan support and cooperation is for the benefit of the American people who, after all, we all represent here in the people's House.

Mr. Speaker, the letter is submitted for the RECORD, as follows:

To whom it may concern: I , Herein wish to submit my intentions to file suit against the following food store chains. For the sum of $2.5 million dollars each. For the direct endangerment to my personal health over the years, through the consumption of hazardous products, and through the non compliance of the F.D.A. regulation 21–101.11. However, after speaking with an attorney in regards to this matter, it was suggested that I may have other opsections available such as (2) Reporting this to the commissioner of the F.D.A. (3) Report to the T.V., and news media how all 22 of the major food chains in the Wilmington area, some how over looked an FDA public health warning regulation for years. Or, (4) Submit this letter to all the food chains or stores involved and hope to come to some kind of discreet, and brief respective financial compensation regarding this matter, on my behalf, without involving the F.D.A. or the publics opinion. Inclosed is a list of the stores, that are currently in direct violation of code 21–101.11 of the F.D.A. regulations.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I want to thank Mr. BILIRAKIS and Chairman BLILEY for all their hard work to see that we have these two bills on the floor for consideration today. The corrections process is dependent on the cooperation of the authorizing committees. Mr. BLILEY and his staff, and Mr. BILIRAKIS and his staff have been very cooperative and have really been key to the success of corrections day. I would also like to thank Congressman WAXMAN, a member of our corrections day process, who has spoken in support of H.R. 1787. H.R. 1787 will repeal a duplicative saccharin labeling requirement. This bill is so simple and makes so much sense it is a wonder we even have to spend time to discuss it, but unless we act this relic of a law will remain on the books causing financial hardship to thousands of small businesses.

The substance of the bill has already been explained, and there is not a lot one can say without belaboring the obvious. So, I will restrict my comments to the need for speedy passage of this bill.

The other body has several bills which have passed this House without any objection under the corrections calendar. in fact, including the two bills which will pass today, we have sent 11 pieces of corrections legislation to the other body in less than 5 months. All but one of those 11 bills passed the House by voice vote or without opposition. Working in a bi-partisan fashion and with the help of our committee chairmen this House has made corrections day successful. It is my hope that before we leave for the Christmans break we can have all of these bills on the President's desk.

I am calling on the other body to take up these bills as quickly as possible. If there are disagreements, we can work them out, but let's not delay these much needed corrections any longer.

Mr. STARK. Mr. Speaker, I would like to compliment my colleagues on identifying a redundancy in Federal law and working together to eliminate it. As has been stated, current law requires grocery stores to post a notice on the potential dangers of saccharin in addition to the labeling of the food product itself. Clearly, one notice is enough.

I am concerned, though, that down the line the remaining notice requirement will be repealed even though it is a necessary consumer protection. Let me tell you why.

Today, in Federal law, there is a requirement that private insurance companies provide notice to Medicare beneficiaries if a health insurance policy they are selling duplicates Medicare benefits. In the Republican Medicare plan, this notification requirement is eliminated.

Again, under the Republican Medicare plan a notification requirement is to be eliminated that alerts Medicare beneficiaries that a policy they are considering purchasing may duplicate insurance coverage they already have under Medicare. The notification requirement isn't a second notice that is eliminated. There is only one requirement of notification, and it is to be repealed.

Let me walk-through why I am raising a word of caution today regarding H.R. 1787. Current Medicare law states that:

It is unlawful for a person to sell or issue [to a Medicare beneficiary] a health insurance policy with the knowledge that the policy duplicates health benefits to which the person is entitled under Medicare . . . unless there is disclosed in a prominent manner the extent to which benefits under the policy duplicate Medicare benefits.

This simple notice saves senior citizens from wasting millions of dollars each year on what one consumer organization has described as "illusory policies which pay out little or nothing to Medicare beneficiaries."

In contrast to the action taken today with H.R. 325 in full public view, buried in the Republican Medicare bill that passed the Congress last month was a provision that deletes this important notification requirement. Why?

There are a few well-heeled insurance companies that sell these disease specific, or dread-disease policies, and they have an interest in having ignorant consumers. And they have an interest—a stockholder share you might say—in the new Republican majority. These insurance companies expect a return on their investments. To give them that return, the interests of elderly Americans were brushed aside and the notification requirement was erased.

To protect Americans from similar anti-consumer actions in the future by the Republican majority, maybe we need to maintain two of everything in Federal law. When at some point down the line Republicans need to provide a sweetener for a particular special interest, they can delete one provision but leave the second one intact so consumers can maintain needed consumer protections.

I am not opposed to the bill we are considering today. By passing H.R. 1787, we will eliminate a redundancy but maintain a notice that is a necessary consumer protection. The notice to Medicare beneficiaries warning them that they are being sold a worthless or near-worthless insurance policy also is worthy of maintaining.

In fact, in opposing the Republican Medicare effort the National Association of Insurance Commissioners stated that the Republican Medicare bill "would strip seniors of the protections afforded by the disclosure statement."

Again, I'd like to compliment the work of Mr. WAXMAN and Mr. BLILEY on bringing H.R. 1787 to the floor but reiterate my word of caution that we not go to the extreme as was done in case of Medicare. Despite what well-heeled lobbyists may say, ignorance is not bliss. Ignorance can be dangerous to consumers.

Luckily for Medicare beneficiaries, we have a Democratic President in the White House who has made a commitment to protect the physical and financial health of the seniors of America. He has vetoed the Republican Medicare bill. Now, their damaging special-interest provisions can be eliminated and consumer protections maintained.

Mr. GILLMOR. Mr. Speaker, I wish to express my strong support for this legislation and commend the gentlemen from California and North Carolina for their work on this matter. I believe this bill provides a realistic framework for reforming the saccharin notification regulations placed on groceries, while also protecting the public's health and need to know.

Back in the late seventies, when diet-conscience Americans were guzzling Tab soda and putting Sweet and Low in their iced tea, it became important that consumers become aware of any health threats posed by the use of saccharin. Today, however, we are facing a situation in which saccharin has not only been replaced as the main sweetening agent, but labels identifying its use dot the labels of all products that contain it.

H.R. 1787 recognizes that now that market and health forces have diminished the use of saccharin in food and drink, there is no longer a need for information overkill on this subject. This legislation simply allows grocery stores the chance to back away from the requirement of posting warning signs in their stores about saccharin's potential health effects. I believe this prudent progression will still allow consumers the appropriate warning of their favorite product's labels, while at the same time remove this bothersome requirement from our Nation's many grocery stores, from the Kroger's to the Mutach Food Market in Marblehead, OH.

While you can lead a horse to water, Mr. Speaker, you cannot make it drink. While all of us would prefer a risk-free society, it just is not possible. People who are worried about their health will read labels and warnings signs no matter how numerous or large they are. I believe H.R. 1787 recognizes this fact and hopefully will end the new rash of nuisance lawsuits springing up in this country over this matter. I urge all my colleagues to support this bill.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). Pursuant to the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and (three-fifths having voted in favor thereof) the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1787, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

EMPLOYER TRIP REDUCTION PROGRAMS

The Clerk called the bill (H.R. 325) to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles travelled in ozone nonattainment areas designated as severe, and for other purposes.

The Clerk read the bill, as follows:

H.R. 325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OPTIONAL EMPLOYER MANDATED TRIP REDUCTION.

Section 182(d)(1)(b) of the Clean Air Act is amended by to read as follows:

"(B) The State may also, in its discretion, submit a revision at any time requiring employers in such area to implement programs to reduce work-related vehicle trips and miles travelled by employees. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to section 108(f) and may require that employers in such area increase average passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods. The guidance of the Administrator may specify average vehicle occupancy rates which vary for locations within a nonattainment area (suburban, center city, business district) or among nonattainment areas reflecting existing occupancy rates and the availability of high occupancy modes. The revision may require employers subject to a vehicle occupancy requirement to submit a compliance plan to demonstrate compliance with the requirements of this paragraph.".

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the enacting clause and insert:

SECTION 1. OPTIONAL EMPLOYER MANDATED TRIP REDUCTION.

Section 182(d)(1)(B) of the Clean Air Act is amended to read as follows:

"(B) The State may also, in its discretion, submit a revision at any time requiring employers in such area to implement programs to reduce work-related vehicle trips and miles travelled by employees. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to section 108(f) and may require that employers in such area increase average passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods. The guidance of the Administrator may specify average vehicle occupancy rates which vary for locations within a nonattainment area (suburban, center city, business district) or among nonattainment areas reflecting existing occupancy rates and the availability of high occupancy modes. Any State required to submit a revision under this subparagraph (as in effect before the date of enactment of this sentence) containing provisions requiring employers to reduce work-related vehicle trips and miles travelled by employees may, in accordance with State law, remove such provisions from the implementation plan, or withdraw its submission, if the State notifies the Administrator, in writing, that the State has undertaken, or will undertake, one or more alternative methods that will achieve emission reductions equivalent to those to be achieved by the removed or withdrawn provisions.".

Mr. BILIRAKIS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Florida [Mr. BILIRAKIS] and the gentleman from California [Mr. WAXMAN] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that the Health and Environment Subcommittee and the full Commerce Committee were able to report H.R. 325, legislation to amend the Clean Air Act regarding the employer-trip-reduction program.

Very briefly, the legislation repeals the current Federal requirement that 11 States and an estimated 28,000 private employers implement the employer-trip-reduction program. The legislation makes the employer-trip-reduction program discretionary on the part of States, and provides a simple and straightforward method by which States can designate alternative methods to achieve equivalent emission reductions.

H.R. 325 removes a Federal Clean Air Act requirement which many have found to be overly burdensome. The present statutory language of section 182(d)(1)(B) requires a specific State implementation plan, or "SIP" revision, for the ETR program. It also requires compliance plans to be filed by private employers and requires a 25-percent increase in the average vehicle occupancy of vehicles driven by employees. All of these Federal mandates are now abolished and replaced with a voluntary program.

Under the reported bill, States will decide for themselves whether they wish to implement employer-trip-reduction programs—known by the acronyms ETR or ECO—as part of their efforts to meet Federal Clean Air Act standards. With regard to current ETR SIP revisions which have already been approved or submitted to the Environmental Protection Agency, a formal SIP revision will not be required. Instead, States will be free to designate alternative efforts they have undertaken or will undertake to achieve equivalent emissions.

I want to acknowledge the hard work and assistance of several Members with regard to this legislation. Representative DONALD MANZULLO introduced the underlying bill and assembled a list of 166 cosponsors from both sides of the aisle.

Chairman JOE BARTON, of the Subcommittee on Oversight and Investigations, devoted an entire hearing to the ECO program and helped to construct a solid committee record which underpins today's legislative effort. Representatives DENNIS HASTERT and JIM GREENWOOD were active participants in the oversight subcommittee hearings and helped to explore several issues through follow-up correspondence with the Environmental Protection Agency.

I would also note that Representative HASTERT offered a successful amendment at the full committee level which had been previously negotiated with ranking minority member HENRY WAXMAN. This amendment is incorporated within H.R. 325 and its approval has allowed us to proceed in a truly bipartisan manner.

Altogether, I believe that H.R. 325, as amended by the Commerce Committee, demonstrates that it is possible to alter provisions of the Clean Air Act without sacrificing environmental goals. We can increase the flexibility of the Clean Air Act and allow States more latitude in meeting standards imposed by the law.

In view of our success with respect to H.R. 325, I also believe it is unfortunate that the present administration has consistently opposed any and all amendments to the Clean Air Act—no matter how necessary or how justified. This position is simply illogical and untenable. Congress has the inherent duty to fix misguided or ineffective legislation.

I hope that the success of this legislative effort will help to promote a reconsideration of this position and I look forward to working with my House colleagues to make further improvements and refinements to the Clean Air Act.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume in discussing this legislation and urging my colleagues to vote for the bill.

I want to congratulate the gentleman from Illinois [Mr. MANZULLO] for this legislation. It would permit the States at their discretion to choose some other alternative manner to achieve their emissions reductions than the car pooling or the ECO arrangement as spelled out in the existing Clean Air Act.

The bill is emissions neutral. It requires States that opt-out of the ECO program to make up the emission reductions from other sources.

The administration, to my knowledge, has expressed no opposition to this legislation. I would urge the President to sign the bill. I think it is a helpful piece of legislation in clarifying and correcting a problem that has come into some controversy in some of the States.

Mr. Speaker, I think that, even with this bill, many areas will retain the ECO programs, and for good reason.

We knew in 1990 that the increases in the number of vehicles on the Nation's roads and the increases in the distances-that these vehicles travel could cancel much of the gain we would expect from the cleaner cars and cleaner fuels mandated by the Clean Air Act. Between 1970 and 1990, the number of vehicle miles traveled in this country doubled. Both total miles and trips per day continue to grow at a rate faster than the population or the economy. If we hold to these present growth rates, automobile-related emissions, currently down due to the tough tail-pipe standards and clean fuel programs of the 1990 Act, and will start to climb within the next 10 years. And the clean air gains we have made will be put in jeopardy.

It should also be emphasized that while this bill allows States the flexibility to implement alternative measures, States can retain their ECO programs. Indeed, I fully expect that many of these programs will be retained. A well-designed and well-run ECO program can provide not only emissions reductions, it can reduce traffic congestion, provide employees with more commuting options, and encourage employer participation in regional transportation planning.

And some employers report more than these successes, they report improved bottom lines. For instance, a California company was able to avoid building a $1 million parking garage due to its trip reduction measures. A Connecticut employer found that sales staff staying later in the day as part of their compressed work week increased West Coast sales. Clearly both employers and the breathing public can benefit from these programs.

Mr. Speaker, I support this bill. I urge my colleagues to support the bill.

I want to reserve the balance of our time on this side of the aisle so that other Members, should they wish to speak on the matter, will have an opportunity and that we can further the debate should there be any issues that need to be clarified.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. MANZULLO], the originator of this legislation.

Mr. MANZULLO. Mr. Speaker, the Clean Air Act mandates that in the 14 population centers across the Nation, States require companies with 100 or more employees to reduce the number of automobile work-related trips to and from work. The EPA estimates the number of people impacted to be between 11 and 12 million and that the cost of this would be somewhere between $1.2 billion and $1.4 billion annually. The number of affected businesses ranges in the area of 30,000.

This past January, an Assistant Administrator from the EPA stated that car pooling simply does not work under all circumstances. In fact, the exact words are, "The air emission reductions from these programs are minuscule, so there is not any reason for the EPA to be forcing people to do them from an air quality perspective. We are not going to double check those plans. We are not going to verify them. We are not going to enforce them."

Our bill, H.R. 325, as amended, is a simple commonsense bill that will not change the goals or standards of the Clean Air Act. They will not change the deadlines set up in the act. It simply lets the States decide if they want to use trip reduction in their menu of options for cleaning the air. Thus, it makes this mandate now voluntary.

Working with distinguished Members and staff of the Committee on Commerce, particularly Bob Meyers and Charles Ingebretson, and my colleague from Los Angeles, the gentleman from California [Mr. WAXMAN], Phil Barnett and Phil Schiliro of the staff, we were able to come up with a clarifying amendment that stipulates the emissions reductions committed to in the State implementation plans for trip reduction will be made up in some other fashion.

Where the original bill is implicit, the amended version is now explicit that the emissions will be made up. But, and this is very important, the emissions will not need to be equivalent to those that would have been achieved under a full-scale compliance with the current law. Simply, the State must account for those emissions actually set apart for trip reduction purposes.

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In other words, a State may offer any plan that is outside what is required under current law. If a State would have only accomplished removing 2 tons of emissions per day utilizing the current employer trip reduction mandate, a State, with a mandatory—required—program stipulating 15 tons of emission removal per day, may add 2 tons per day to that same activity because anything over and above the mandatory requirement is, by definition, nonmandatory. That basically means that identified reduction may make up for those emissions that go over and above the requirements of the law.

Is that the way the gentleman from Florida [Mr. BILIRAKIS] understands it?

Mr. BILIRAKIS. Mr. Speaker, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Speaker, I say to the gentleman that this is my understanding of the amended bill and certainly the intent of it.

Mr. MANZULLO. I thank the gentleman from Florida.

Two years ago I was approached by several business owners in McHenry County, IL, in the congressional district I represent. Jim Allen, Vince Foglia of Dan McMullen Local Leaders, took their time to educate me about this mandate started in the last Congress. Dan McMullen traveled to Washington to testify before our Committee on Small Business Subcommittee on Procurement, Exports, and Business Opportunities. He also testified before a field hearing which the gentleman from Illinois [Mr. POSHARD] chaired in Crystal Lake, IL. The people such as the gentleman from Texas [Mr. BARTON], and the gentleman from Florida [Mr. BILIRAKIS], and the gentleman from Illinois [Mr. HASTERT] are also dramatically responsible for this bill.

Businesses in Illinois will spend between $200 million and $210 million if this mandate had been allowed to exist. But today this shows that, working together, we can maintain the high standards of clean air to which we all ascribe while at the same time giving the States maximum flexibility in order to reach those clean air standards.

Many Governors such as Illinois Governor Jim Edgar have been critical of this mandate and issued moratoriums on the mandate. California recently enacted two laws essentially eliminating the trip reduction mandate from State law. Some States, such as New York, have been enforcing the law by travel to Westchester County, NY, to speak about this with our good colleague, the gentlewoman from New York [Mrs. KELLY]. There are some very real problems in that State as a result of the enforcement of this inflexible law.

I want to close by saying that I am extremely happy and encouraged to know that this body can come together in a bipartisan basis to reach accommodation on this issue. This is a commonsense solution that everybody can support. I deeply appreciate the efforts of all involved and, Mr. Speaker, this also goes to show something else, that when parties recognize a problem, and cross over philosophical and party lines and sit down and work very, very hard; many times into the late evening I recall at one meeting when Bob Myers and I met at midnight in order to make sure this language is correct, that we can achieve a consensus and move forward on passing legislation through the House of Representatives, and I especially want to thank my colleague, the gentleman from California [Mr. WAXMAN], for his graciousness and his tenacity in trying to work with me in steering this through the House of Representatives.

Mr. BILIRAKIS. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I rise in strong support of this legislation. At first I would like to thank the distinguished gentleman from Florida [Mr. BILIRAKIS] and the gentleman from Virginia [Mr. BLILEY] for moving this bill so quickly through committee. I would also like to compliment the gentleman from California [Mr. WAXMAN], my good friend, for his good-faith efforts in working with us to perfect and draft perfecting language to the bill. Also my good neighbor to the north, the gentleman from Illinois [Mr. MANZULLO], has helped, and we worked on this bill through finding out from our employers, people who employ over 100 folks in their places, high schools, school districts, that they, quite frankly, could not make this thing work, and it was going to cost a lot of money, and it did not do what it was supposed to do.

Mr. Speaker, the bills before us today deal with the Clean Air Act, an act I voted for in 1990. I believe in the underlying intent of the Clean Air Act—to clean up the air we breathe, and maintain high air quality. Those are worthy goals and I am fully committed to them.

However, the Clean Air Act, although well-intentioned is not perfect. After 4 years of implementation, we know that one particular provision of the act is not working. That provision is commonly referred to as ECO—it is the forced carpooling program. Under this provision, States with severe or extreme ozone nonattainment areas must implement a program which forces workers to carpool. There is no flexibility in this mandate. The way it is written on the books, it is simply unworkable, and it is contributing no significant improvements to air quality.

The USEPA has determined that while the forced carpooling program will cost billions of dollars to implement, it produces only minuscule air quality improvements. After that recognition, USEPA indicated its intent not to enforce the forced carpooling program against individual employers.

Further, the States have given up trying to implement this flawed program. In Illinois, after months of making a good-faith effort to implement this program, our Governor finally gave up and told our employers last March that he will not enforce the forced carpooling program in Illinois. He made that decision after it became clear that Illinois businesses alone would be spending $210 million a year to implement a program which was not working. It was not working because Americans do not want to be told they cannot use their own cars to come in early, or to stay late, or to drop their daughter off at preschool on their way to work.

The program has failed nationwide. Several other Governors and State legislatures have joined Illinois' Governor in deciding not to enforce the forced carpooling program.

But State action and EPA intent can only provide partial relief from this mandate.

One of the things I thought was very, very showing in this piece of legislation:

If my colleagues had a small business on the edge of an urban area, suburban area, and they drew their employees from rural areas, they had to decrease their carpooling and riding from 25 percent, notwithstanding those people did not have mass transportation, there is no way to get in to work. It is a program that just did not work, but yet, if my colleagues were in a high school, and they had 1,000 kids in the high school and 100 teachers, the teachers would have to carpool or find another way to work, but yet every kid could drive. It just did not make sense, it did

not work, and this a good piece of legislation to change what does not work.

Mr. BILIRAKIS. Mr. Speaker, I yield 3½ minutes to the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Speaker, I rise in strong support of H.R. 325, and I encourage every Member of the House to support this important bipartisan legislation.

The hearings conducted by the House Commerce Committee's Oversight and Investigations Subcommittee, on which I serve, provided us with an important opportunity to identify provisions in the Clean Air Act which were imposing undue hardship and economic costs on the States, businesses, and individual motorists. There was universal agreement that the Employer Trip Reduction [ETR] Program was overly prescriptive and of questionable value in terms of improving overall air quality.

The Employer Trip Reduction Program requires all employers with 100 or more employees in severe or extreme ozone nonattainment areas to reduce work-related vehicle travel by 25 percent.

The Employer Trip Reduction Program is based on the theory that a reduction in the number of employee trips to and from work would result in reduced air emissions from mobile sources. It was assumed by the authors that this reduction in air emissions would, in turn, assist the Nation's most polluted areas in complying with national ambient air quality standards. If these assumptions proved to be true, I would oppose this legislation to repeal the program.

But witness after witness, some of whom have done extensive computer modeling, have made compelling arguments that it is nearly impossible to devise plans which meet the required reductions. Furthermore, EPA's Assistant Administrator for Air and Radiation, Mary Nichols, has stated that the air quality benefits from this program are "minuscule."

In my district, companies have struggled for years and spent millions of dollars to develop plans to comply with the ill-conceived Employer Trip Reduction Program. Nationally, this program has a net social cost of $1.2 to $1.4 billion a year. And for this enormous sum of money, the program would only provide marginal environmental benefits, while imposing real hardships on both employees and employers.

June Barry, vice president of human resources at Betz Laboratories in Trevose, PA, located in my Congressional district, testified in March that:

> Many of our work force are members of dual career families. A significant percentage of our work force goes to school at night to pursue graduate education and undergraduate degrees. Are we responsible in emergency situations dealing with child care and elder care and education and the variety of other problems that people encounter to get the employee to their family when car pools don't work? Since our business is worldwide, the majority of the professional work force cannot leave at a preappointed time, mainly due to customer calls and servicing the customer. What does forcing people into car pools really mean? It means that regardless of whether you have a family obligation, church obligation, night school or a variety of other things that you do to and from work, the Federal Government is going to tell you when you can go to work and when you can leave; that you have to hop into a van pool or a car pool despite your individual needs or obligations * * *.

H.R. 325 makes the ETR program a voluntary program. The States would still have the option of implementing such a program, but this bill would give them the power to develop programs that best meet the needs of their residents.

I commend Chairmen BLILEY, BILIRAKIS, and BARTON, as well as Congressmen MANZULLO and WAXMAN for their efforts, and encourage my colleagues to support this important legislation.

Mr. BILIRAKIS. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I thank the gentleman from Florida [Mr. BILIRAKIS] for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 325. I am an original cosponsor of this bill which makes the employee commute options or the echo provisions of the Clean Air Act voluntary. H.R. 325 would amend the Clean Air Act which requires States and companies in areas where pollutant levels are designated severe to reduce work-related trips by 25 percent. The Chicago area has been classified by the EPA as an area of severe ozone nonattainment as formulated under the Clean Air Act, although the accuracy, I think, of this particular classification is in question. The echo provisions would have forced employees and employers to limit the amount of trips made by employees, a costly and unproven remedy for the ozone problems. A recent congressional research study estimates that nationwide the echo efforts have cost $1.2 billion per year, and yet the annual reductions in emissions attributable to these programs have been less than 1 percent.

The legislation, as approved by the House Committee on Commerce includes an amendment which requires States who choose not to participate in the ECO program, to submit in writing to the Environmental Protection Agency alternative methods it will use to achieve emission reductions that are equivalent to those in the trip-reduction program. In this way, the bill allows maximum flexibility for the States, without compromising air quality.

Mr. Speaker, I would like to thank the gentleman from Illinois [Mr. MANZULLO] for his tenacity and his leadership on this issue. I have been an active participant in a coalition of business groups, other Members of Congress, Governors, and interested parties who studied this problem from the beginning to find a workable solution. I am pleased to see the House consideration of this bill, a perfect candidate for corrections day. I strongly support H.R. 325, and urge a "yea" vote on this legislation.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. COX].

□ 1530

Mr. COX of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise, as well, in strong support of H.R. 325. I too am an original cosponsor, and as vice chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce, we have had 12 hearings on the Clean Air Act, and we have heard repeatedly testimony in support of this commonsense reform and opposed to continuing this unfunded and ineffective mandate.

We ought to call H.R. 325 the Victory for Common Sense Act, because the truth is it relies on our native common sense. The ability to reason, to learn from experience, is what distinguishes human beings from other life forms. If you are doing the same thing over and over again, and you continue to get no results but you continue to waste money in the process, it is time to learn from that experience. It is time to stop and do things a better, a different, another way.

That is what we are setting out to do here today. It is not just the waste of money, yielding no results for businesses that we are worried about. It is the waste of money for our schools, for almost everyone whose employees drive to work.

Listen to some of the comments that we have received from school districts in southern California. The Tustin Unified School District was forced to spend $73,000 for their ride-sharing plan for teachers that did not work.

Another school district wrote: "The mandatory trip reduction plan has been very costly to us. It has diverted already scarce funds away from the education of children, from classroom use," to support a program that does not work.

The Capistrano Unified School District said: "The additional financial hardships we are facing make this mandated program extremely detrimental to meet the educational needs of the children in our districts."

McDonnell Douglas, a big employer of the kind that we have been hearing about on the floor today, tried in earnest to get this Federal mandate to work. They spent millions of dollars training employee coordinators, providing direct financial incentives to

workers so they would car pool. They bought bicycles. They built showers and locker rooms so employees could bike, run, or walk to work. None of this, even hosting ride-share events, made even a dent in the average vehicle occupancy rate of their employees.

Today we are saying enough; enough to the vast expense that in California, under our similar program, was costing $200 million a year. Let us spend this money on the education of students. Let us spend it on employee wages. Let us spend it on other efforts to clean up our air that really work.

I congratulate the chairman, the gentleman from Florida [Mr. BILIRAKIS], and the other Members who have brought this legislation to the floor. I look forward to a swift vote on passage.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this bill. The gentleman from Illinois [Mr. MANZULLO] has done a very good job of correcting one of the problems we have seen in the Clean Air Act. My experience in reviewing various Clean Air Act regulations stems from my work with Vice President Quayle's Competitiveness Council, and then as a Member of Congress looking at that act and saying, do the regulations that are required there make sense; do they use common sense in trying to reach a goal that we all share of having cleaner air in this country?

This regulation, the trip reduction mandate, or what I think of as mandatory carpooling, does not make sense on that commonsense basis. It is extremely costly, anywhere from $1.2 to $1.6 billion to implement, and provides very little benefits in terms of cleaner air for some of the country's areas where we have the most difficulty with air pollution.

I think there are a lot of alternative approaches that have been thought about by the agency, the Environmental Protection Agency, by citizens working on this area. One of the most creative ones is a project that we worked with at the Competitiveness Council called Cash for Klunkers, where the studies showed that older cars actually produced a vast, disproportionate amount of the air pollution in our cities, and if we could pay a bonus for taking those older cars off of our freeways, we could go a lot further in reaching the goal of cleaner air.

Those innovative ideas, frankly, are not possible if we have to devote an enormous amount of our resources in meeting this regulation that provides very little benefit for the environment. I commend the chairman of the committee on his work for this corrections bills. I commend the gentleman from Illinois [Mr. MANZULLO] for his work in taking the leadership in introducing the bill, and I want to urge my colleagues in the House to vote "yes" on H.R. 325.

Mr. STARK. Mr. Speaker, I would like to compliment the chairman and the ranking member of the Commerce Committee's Health and Environment Subcommittee, Mr. BILIRAKIS and Mr. WAXMAN, for bringing H.R. 325 to the floor today.

This legislation gives greater reign to local authorities in determining how best to meet pollution standards. H.R. 325, a balance has been struck between providing greater flexibility while maintaining the commitment to achieving the federal goals.

If the author of H.R. 325, Mr. MANZULLO of Illinois, had come to the floor with a bill that provided flexibility to States but eliminated the Federal standards of performance, there would not be the bipartisan support you see today.

There is a consensus across America that the days of polluted skies should be no more. There is a recognition by citizens across America that what occurs in one State impacts the quality of life in another State.

I am puzzled that in other areas of Federal policy where a national consensus is as strong, the new Majority has taken a different approach. I believe we can learn something from the approach taken in H.R. 325 and carry it to other areas of vital importance to Americans.

I'd like to take just a couple of minutes to do just that—highlight how the example of H.R. 325 can be instructive for legislating in other areas of vital importance to Americans.

The Republican plan for Medicaid provides the greatest contrast in approach to H.R. 325. Flexibility for States abounds. Standards are absent. Rather than maintain the Federal guarantee for Americans of very modest means to a set of health care benefits, under the guise of State flexibility Republicans remove any semblance of accountability.

Republicans intend to send checks to the States totaling $790 billion over the next 7 years with little-to-no requirements on how States must perform. This is in contrast to the structure of H.R. 325 which provides flexibility but maintains standards of performance.

For $790 billion in taxpayer money, it would seem reasonable to require States to guarantee health insurance coverage to low-income Americans.

Does the Republican Medicaid plan guarantee that all kids that live in poverty have comprehensive health insurance coverage? No. Does the Republican Medicaid plan guarantee that the Medicare Part B premiums of low-income senior citizens are paid? No. Does the Republican Medicaid plan guarantee a nursing home bed to those who are entitled today? No. Does the Republican Medicaid plan continue the guarantee of coverage for Medicare-related copayments and deductibles for poor seniors? No. Does the Republican Medicaid plan require States to provide even just one person a comprehensive package of health insurance benefits, something equivalent to what they as Members of Congress receive? No.

Why not apply the model of H.R. 325? Why not hold States accountable? Why shouldn't we guarantee American taxpayers that their taxes will be spent as promised?

H.R. 325 requires that an equivalent level of emission reductions be achieved. The Republican Medicaid plan does not require an equivalency of performance. This difference in standards is not trivial.

The Urban Institute predicts that 4 to 9 million Americans will lose health insurance coverage because of the Republican Medicaid plan. Consumers Union, the publishers of Consumers Reports, has estimated that 395,000 nursing home residents are likely to lose Medicaid payment for their care next year if the Republican Medicaid plan is approved. The Council on the Economic Impact of Health Care Reform—a panel of respected health economists—found that that the uninsured rolls will soar to over 66 million Americans, or one-in-four Americans, under the Republican plans. This is a 70-percent increase in the number of uninsured Americans over today's level.

H.R. 325 extends flexibility in meeting national goals; it does not eliminate them. Likewise, flexibility for States in meeting the health care needs of low-income Americans should not be used as a cover to shred the national commitment to a health care safety net.

While the guarantee to coverage is explicitly eliminated under the Republican Medicaid bill, I'd argue that the spending for Medicaid isn't enough to meet the national commitment either.

I believe that a per person growth rate of under 2 percent isn't wise. It's rationing. Members of Congress would never inflict that type of constraints on their own health care spending. In fact they don't. Under the Republican budget, taxpayer spending for their health insurance will increase right along with health care inflation.

But whatever the amount of health care spending, we should hold States accountable for how they spend the money we give them. As with H.R. 325, there must be accountability.

The balance struck in H.R. 325 between providing broader flexibility to States at the same time requiring that national goals be met should apply to other initiatives as well, like Medicaid. If Republicans tried this approach, they might find themselves with the support of Congressional Democrats. And instead of having their Medicaid bill vetoed, they'd have the support of President Clinton.

Mr. ARCHER. Mr. Speaker, today is a chance for the House to loosen one knot in the woven, tangled mess called the Clean Air Act Amendments of 1990. The employee trip reduction plan for implementation is a costly and confusing mandate that only benefits the argument for regulatory reform and cost/benefit analysis.

Of course I support efforts to reduce pollution, as do the employers and employees of my district. But what I cannot support is an inflexible, ineffective and impractical requirement such as the employee trip reduction plan. It makes no sense to demand compliance with a plan that promises less than a 1-percent reduction in emissions, and guarantees a much larger increase in headaches.

In a city the geographical size of Houston, it is naive to assume public transportation and carpooling are the most practical options for reducing auto emissions. I have heard hundreds of complaints from my constituents who must face a disruption of their work routines and compromise the quality of their private lives to comply with this impotent regulation. H.R. 325 will give States the chance to create programs that suit their communities and still achieve air quality standards.

There are smarter ways for us to reach a common goal of cleaner air. It is imperative, though, that each State decide what is most practical and more importantly, most effective.

Mr. CRANE. Mr. Speaker, I rise today in strong support of H.R. 325 for a number of reasons. But before, I elaborate on them, let me congratulate my Illinois colleague, Mr. MANZULLO, on introducing this bill and for the determined efforts he has made on its behalf. Also, I wish to express my appreciation to the members of the Commerce Committee, and its Health and Environment Subcommittee in particular, for making today's consideration of H.R. 325 possible.

This is a measure whose time has long since come. However well intentioned, the employee commute reduction program, better known as the ECO Program, would do more harm than good. Based on prior analysis and experience, about the best that could be expected from such an approach is a 2–3 percent reduction in auto emissions, with 1 percent being a more likely figure. Not only that, but the cost of effecting such a minimal reduction in air pollution is very high. In the Chicago area, for instance, it has been estimated that implementation of the ECO Program would cost more than $200 million annually. For all 11 severe ozone nonattainment areas nationwide, the cost of implementing ECO has been pegged at $1.2–$1.4 billion a year by the Environmental Protection Agency.

If money grew on trees or materialized out of thin air, it might be possible to overlook such financial considerations. But when a severe nonattainment area such as Chicago has to reduce its ozone levels by 65 percent, it is difficult, if not impossible, to justify investing so heavily in an effort that will achieve such a small fraction of that amount. Not only that, but the imposition of such costs of employers—an unfunded mandate if there ever was one—could prompt them to relocate to other areas of the country. In that event, some Chicago area workers could find themselves out of more than just a parking place at work; they could be out of job as well.

Nor is that all that would be lost. Gone are the days when, in most American families, one parent stayed at home and was in a position to handle any child care or other emergencies that might arise during the course of the work day. Now we live in an era when working parents need to be able to get home quickly should any of their children get sick or run into trouble at school or at the neighborhood child care center. Federally mandated carpooling not only deprives them of that capability but it leaves them at risk if their job requires overtime and/or unexpected evening work. Finally, the investment of time and effort into arranging carpools or other commuting alternatives could be better directed towards pollution reduction programs having far greater potential for bringing about the desired improvements in air quality.

However, all is not lost. By adopting the bill before us today, we can move away from the Federal Government telling people in certain areas how they should get to and from work and focus instead on the most effective means of reducing ozone levels and achieving compliance with existing air quality standards.

As reported by the Commerce Committee, H.R. 325 would enable us to do just that. If enacted into law, this measure would allow States having severe ozone nonattainment areas to determine for themselves whether to undertake an ECO program. However, a State deciding against the ECO approach would be obliged to identify and implement alternatives that would be at least as effective in reducing emissions. In short, States will be given more freedom to carry out their air pollution control responsibilities. But that does not mean that they will have any less of an obligation to comply with the standards and deadlines established by the Clean Air Act.

Mr. Speaker, H.R. 325 is a good, commonsense bill which is not just timely but long overdue. I urge my colleagues to give it their support.

Mrs. KELLY. Mr. Speaker, I rise in strong support of H.R. 325, legislation to make optional the Employee Commute Option [ECO] trip reduction program.

The dilemma facing Zierick Manufacturing Corp. is possibly the best reason why we should pass H.R. 325.

Zierick Manufacturing Corp. is a small manufacturer of electronic connectors and assembly equipment located in Mount Kisco in northern Westchester County, NY. With over 120 employees, they are faced with the impossible task of complying with the Employee Commute Options program.

Part of the problem is the limited availability of public transportation. In addition, the train station and the nearest bus stop are over a mile from the factory. If the employee took a cab from the station to the factory, under the regulations developed by New York State to comply with this Federal mandate, the 1-mile cab ride would be counted as if the employee drove the entire distance from home. In other words, the employee could ride a train for 50 miles, but the cab ride from the train station would be the mode of travel counted under the formula used to calculate employee trips.

Ridesharing opportunities are limited in Mount Kisco, and since Zierick employees are spread out over 12 counties in 3 States, carpools are difficult to form. Zierick is a manufacturing facility, so telecommuting is not an option.

Zierick Manufacturing is clearly faced with a set of circumstances which prevent it from complying with the law, and yet the regulations allow for no flexibility in these situations. As a result, the company presently faces fines of $43,800 per year.

Ms. Gretchen Zierick, the company's corporate secretary, has indicated that their plans for future growth will be directly affected by this legislation.

Mr. Harold Vogt, the chairman and CEO of the Westchester County Chamber of Commerce, wrote to me recently and put this issue into perspective:

In the last five years, Westchester County has suffered enough as we've seen 40,000 jobs leave our county. The Employee Trip Reduction/Employee Commute Option Mandate gives businesses just one more reason to look elsewhere when making plans to grow. Similarly, businesses looking to relocate to our county may well think twice about moving here. We cannot afford any more disincentives to reviving Westchester's economy. We need relief from this costly and inefficient mandate.

Mr. Chairman, our support for H.R. 325 will send Zierick Manufacturing in Westchester County and the approximately 28,000 other employers around the country affected by the ECO mandate a clear message that we care about their future, and we care about creating jobs. I urge my colleagues to pass this bill.

Thank you, Mr. Chairman.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). Pursuant to the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and (three-fifths having voted in favor thereof) the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 325.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE DEMOCRATIC CAUCUS

The SPEAKER pro tempore (Mr. EWING) laid before the House the following communication from the Honorable VIC FAZIO, chairman of the Democratic Caucus.

HON. NEWT GINGRICH,
Speaker of the House, U.S. Capitol.

DEAR MR. SPEAKER: This letter is to inform you that Jimmy Hayes is no longer a Member of the House Democratic Caucus.

Sincerely,

VIC FAZIO,
Chairman.

COMMUNICATION FROM THE SPEAKER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Honorable NEWT GINGRICH, Speaker of the House of Representatives:

DECEMBER 12, 1995.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative James A. Hayes' election to the Committee on Transportation and Infrastructure has been automatically vacated pursuant to clause 6(b) of rule X, effective today.

Sincerely,

NEWT GINGRICH.

COMMUNICATION FROM THE SPEAKER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Honorable NEWT GINGRICH, Speaker of the House of Representatives:

DECEMBER 12, 1995.

Hon. ROBERT S. WALKER,
Chairman, Committee on Science, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative James A. Hayes' appointment to the Committee on Science has been automatically vacated pursuant to clause 6(b) of rule X, effective today.

Sincerely,

NEWT GINGRICH.

COMMUNICATION FROM THE HONORABLE HENRY A. WAXMAN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable HENRY A. WAXMAN, Member of Congress:

DECEMBER 7, 1995.

Hon. NEWT GINGRICH,
The Speaker of the House, Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my office has been served with a subpoena issued by the Los Angeles County Superior Court.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

HENRY A. WAXMAN,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

FEDERALLY SUPPORTED HEALTH CENTERS ASSISTANCE ACT OF 1995

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1747) to amend the Public Health Service Act to permanently extend and clarify malpractice coverage for health centers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Federally Supported Health Centers Assistance Act of 1995".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SEC. 2. PERMANENT EXTENSION OF PROGRAM.

(a) IN GENERAL.—Section 224(g)(3) (42 U.S.C. 233(g)(3)) is amended by striking the last sentence.

(b) CONFORMING AMENDMENTS.—Section 224(k) (42 U.S.C. 233(k)) is amended—

(1) in paragraph (1)(A)—

(A) by striking "For each of the fiscal years 1993, 1994, and 1995" and inserting "For each fiscal year"; and

(B) by striking "(except" and all that follows through "thereafter)"; and

(2) in paragraph (2), by striking "for each of the fiscal years 1993, 1994, and 1995" and inserting "for each fiscal year".

SEC. 3. CLARIFICATION OF COVERAGE.

Section 224 (42 U.S.C. 233) is amended—

(1) in subsection (g)(1), by striking "an entity described in paragraph (4)" in the first sentence and all that follows through "contractor" in the second sentence and inserting the following: "an entity described in paragraph (4), and any officer, governing board member, or employee of such an entity, and any contractor of such an entity who is a physician or other licensed or certified health care practitioner (subject to paragraph (5)), shall be deemed to be an employee of the Public Health Service for a calendar year that begins during a fiscal year for which a transfer was made under subsection (k)(3) (subject to paragraph (3)). The remedy against the United States for an entity described in paragraph (4) and any officer, governing board member, employee, or contractor"; and

(2) in subsection (k)(3), by inserting "governing board member," after "officer,".

SEC. 4. COVERAGE FOR SERVICES FURNISHED TO INDIVIDUALS OTHER THAN CENTER PATIENTS.

Section 224(g)(1) (42 U.S.C. 233(g)) is amended—

(1) by redesignating paragraph (1) as paragraph (1)(A); and

(2) by adding at the end thereof the following:

"(B) The deeming of any entity or officer, governing board member, employee, or contractor of the entity to be an employee of the Public Health Service for purposes of this section shall apply with respect to services provided—

"(i) to all patients of the entity, and

"(ii) subject to subparagraph (C), to individuals who are not patients of the entity.

"(C) Subparagraph (B)(ii) applies to services provided to individuals who are not patients of an entity if the Secretary determines, after reviewing an application submitted under subparagraph (D), that the provision of the services to such individuals—

"(i) benefits patients of the entity and general populations that could be served by the entity through community-wide intervention efforts within the communities served by such entity;

"(ii) facilitates the provision of services to patients of the entity; or

"(iii) are otherwise required under an employment contract (or similar arrangement) between the entity and an officer, governing board member, employee, or contractor of the entity.".

SEC. 5. APPLICATION PROCESS.

(a) APPLICATION REQUIREMENT.—Section 224(g)(1) (42 U.S.C. 233(g)(1)) (as amended by section 4) is further amended—

(1) in subparagraph (A), by inserting after "For purposes of this section" the following: "and subject to the approval by the Secretary of an application under subparagraph (D)"; and

(2) by adding at the end thereof the following:

"(D) The Secretary may not under subparagraph (A) deem an entity or an officer, governing board member, employee, or contractor of the entity to be an employee of the Public Health Service for purposes of this section, and may not apply such deeming to services described in subparagraph (B)(ii), unless the entity has submitted an application for such deeming to the Secretary in such form and such manner as the Secretary shall prescribe. The application shall contain detailed information, along with supporting documentation, to verify that the entity, and the officer, governing board member, employee, or contractor of the entity, as the case may be, meets the requirements of subparagraphs (B) and (C) of this paragraph and that the entity meets the requirements of paragraphs (1) through (4) of subsection (h).

"E) The Secretary shall make a determination of whether an entity or an officer, governing board member, employee, or contractor of the entity is deemed to be an employee of the Public Health Service for purposes of this section within 30 days after the receipt of an application under subparagraph (D). The determination of the Secretary that an entity or an officer, governing board member, employee, or contractor of the entity is deemed to be an employee of the Public Health Service for purposes of this section shall apply for the period specified by the Secretary under subparagraph (A).

"(F) Once the Secretary makes a determination that an entity or an officer, governing board member, employee, or contractor of an entity is deemed to be an employee of the Public Health Service for purposes of this section, the determination shall be final and binding upon the Secretary and the Attorney General and other parties to any civil action or proceeding. Except as provided in subsection (i), the Secretary and the Attorney General may not determine that the provision of services which are the subject of such a determination are not covered under this section.

"(G) In the case of an entity described in paragraph (4) that has not submitted an application under subparagraph (D):

"(i) The Secretary may not consider the entity in making estimates under subsection (k)(1).

"(ii) This section does not affect any authority of the entity to purchase medical malpractice liability insurance coverage with Federal funds provided to the entity under section 329, 330, 340, or 340A.

"(H) In the case of an entity described in paragraph (4) for which an application under subparagraph (D) is in effect, the entity may, through notifying the Secretary in writing, elect to terminate the applicability of this subsection to the entity. With respect to such election by the entity:

"(i) The election is effective upon the expiration of the 30-day period beginning on the date on which the entity submits such notification.

"(ii) Upon taking effect, the election terminates the applicability of this subsection to the entity and each officer, governing board member, employee, and contractor of the entity.

"(iii) Upon the effective date for the election, clauses (i) and (ii) of subparagraph (G) apply to the entity to the same extent and in the same manner as such clauses apply to an entity that has not submitted an application under subparagraph (D).

"(iv) If after making the election the entity submits an application under subparagraph (D), the election does not preclude the Secretary from approving the application (and thereby restoring the applicability of this subsection to the entity and each officer, governing board member, employee, and contractor of the entity, subject to the provisions of this subsection and the subsequent provisions of this section.".

(b) APPROVAL PROCESS.—Section 224(h) (42 U.S.C. 233(h)) is amended—

(1) in the matter preceding paragraph (1), by striking "Notwithstanding" and all that follows through "entity—" and inserting the following: "The Secretary may not approve an application under subsection (g)(1)(D) unless the Secretary determines that the entity—"; and

(2) by striking "has fully cooperated" in paragraph (4) and inserting "will fully cooperate".

(c) DELAYED APPLICABILITY FOR CURRENT PARTICIPANTS.—If, on the day before the date of the enactment of this Act, an entity was deemed to be an employee of the Public Health Service for purpose of section 224(g) of the Public Health Service Act, the condition under paragraph (1)(D) of such section (as added by subsection (a) of this section) that an application be approved with respect to the entity does not apply until the expiration of the 180-day period beginning on such date.

SEC. 6. TIMELY RESPONSE TO FILING OF ACTION OR PROCEEDING.

Section 224 (42 U.S.C. 233) is amended by adding at the end thereof the following subsection:

"(l)(1) If a civil action or proceeding is filed in a State court against any entity described in subsection (g)(4) or any officer, governing board member, employee, or any contractor of such an entity for damages described in subsection (a), the Attorney General, within 15 days after being notified of such filing, shall make an appearance in such court and advise such court as to whether the Secretary has determined under subsections (g) and (h), that such entity, officer, governing board member, employee, or contractor of the entity in deemed to be an employee of the Public Health Service for purposes of this section with respect to the actions or omissions that are the subject of such civil action or proceeding. Such advice shall be deemed to satisfy the provisions of subsection (c) that the Attorney General certify that an entity, officer, governing board member, employee, or contractor of the entity was acting within the scope of their employment or responsibility.

"(2) If the Attorney General fails to appear in State court within the time period prescribed under paragraph (1), upon petition of any entity or officer, governing board member, employee, or contractor of the entity named, the civil action or proceeding shall be removed to the appropriate United States district court. The civil action or proceeding shall be stayed in such court until such court conducts a hearing, and makes a determination, as to the appropriate forum or procedure for the assertion of the claim for damages described in subsection (a) and issues an order consistent with such determination.".

SEC. 7. APPLICATION OF COVERAGE TO MANAGED CARE PLANS.

Section 224 (42 U.S.C. 223) (as amended by section 6) is amended by adding at the end thereof the following subsection:

"(m)(1) An entity or officer, governing board member, employee, or contractor of an entity described in subsection (g)(1) shall, for purposes of this section, be deemed to be an employee of the Public Health Service with respect to services provided to individuals who are enrollees of a managed care plan if the entity contracts with such managed care plan for the provision of services.

"(2) Each managed care plan which enters into a contract with an entity described in subsection (g)(4) shall deem the entity and any officer, governing board member, employee, or contractor of the entity as meeting whatever malpractice coverage requirements such plan may require of contracting providers for a calendar year if such entity or officer, governing board member, employee, or contractor of the entity has been deemed to be an employee of the Public Health Service for purposes of this section for such calendar year. Any plan which is found by the Secretary on the record, after notice and an opportunity for a full and fair hearing, to have violated this subsection shall upon such finding cease, for a period to be determined by the Secretary, to receive and to be eligible to receive any Federal funds under title XVIII or XIX of the Social Security Act.

"(3) For purposes of this subsection, the term 'managed care plan' shall mean health maintenance organizations and similar entities that contract at-risk with payors for the provision of health services or plan enrollees and which contract with providers (such as entities described in subsection (g)(4)) for the delivery of such services to plan enrollees.".

SEC. 8. COVERAGE FOR PART-TIME PROVIDERS UNDER CONTRACTS.

Section 224(g)(5)(B) (42 U.S.C. 223(g)(5)(B)) is amended to read as follows:

"(B) in the case of an individual who normally performs an average of less than 32½ hours of services per week for the entity for the period of the contract, the individual is a licensed or certified provider of services in the fields of family practice, general internal medicine, general pediatrics, or obstetrics and gynecology.".

SEC. 9. DUE PROCESS FOR LOSS OF COVERAGE.

Section 224(l)(1) (42 U.S.C. 233(l)(1)) is amended by striking "may determine, after notice and opportunity for a hearing" and inserting "may on the record determine, after notice and opportunity for a full and fair hearing".

SEC. 10. AMOUNT OF RESERVE FUND.

Section 224(k)(2) (42 U.S.C. 223(k)(2)) is amended by striking "$30,000,000" and inserting "$10,000,000".

SEC. 11. REPORT ON RISK EXPOSURE OF COVERED ENTITIES.

Section 224 (as amended by section 7) is amended by adding at the end thereof the following subsection:

"(n)(1) Not later than one year after the date of the enactment of the Federally Supported Health Centers Assistance Act of 1995, the Comptroller General of the United States shall submit to the Congress a report on the following:

"(A) The medical malpractice liability claims experience of entities that have been deemed to be employees for purposes of this section.

"(B) The risk exposure of such entities.

"(C) The value of private sector risk-management services, and the value of risk-management services and procedures required as a condition of receiving a grant under section 329, 330, 340, or 340A.

"(D) A comparison of the costs and the benefits to taxpayers of maintaining medical malpractice liability coverage for such entities pursuant to this section, taking into account—

"(i) a comparison of the costs of premiums paid by such entities for private medical malpractice liability insurance with the cost of coverage pursuant to this section; and

"(ii) an analysis of whether the cost of premiums for private medical malpractice liability insurance coverage is consistent with the liability claims experience of such entities.

"(2) The report under paragraph (1) shall include the following:

"(A) A comparison of—

"(i) an estimate of the aggregate amounts that such entities (together with the officers, governing board members, employees, and contractors of such entities who have been deemed to be employees for purposes of this section) would have directly or indirectly paid in premiums to obtain medical malpractice liability insurance coverage if this section were not in effect; with

"(ii) the aggregate amounts by which the grants received by such entities under this Act were reduced pursuant to subsection (k)(2).

"(B) A comparison of—

"(i) an estimate of the amount of privately offered such insurance that such entities (together with the officers, governing board members, employees, and contractors of such entities who have been deemed to be employees for purposes of this section) purchased during the three-year period beginning on January 1, 1993; with

"(ii) an estimate of the amount of such insurance that such entities (together with the officers, governing board members, employees, and contractors of such entities who have been deemed to be employees for purposes of this section) will purchase after the date of the enactment of the Federally Supported Health Centers Assistance Act of 1995.

"(C) An estimate of the medical malpractice liability loss history of such entities for the 10-year period preceding October 1, 1996, including but not limited to the following:

"(i) Claims that have been paid and that are estimated to be paid, and legal expenses to handle such claims that have been paid and that are estimated to be paid, by the Federal Government pursuant to deeming entities as employees for purposes of this section.

"(ii) Claims that have been paid and that are estimated to be paid, and legal expenses to handle such claims that have been paid and that are estimated to be paid, by private medical malpractice liability insurance.

"(D) An analysis of whether the cost of premiums for private medical malpractice liability insurance coverage is consistent with the liability claims experience of entities that have been deemed as employees for purposes of this section.

"(3) In preparing the report under paragraph (1), the Comptroller General of the United States shall consult with public and private entities with expertise on the matters with which the report is concerned.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. BILIRAKIS] will be recognized for 20 minutes, and the gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the intent of the original Federally Supported Health Centers Assistance Act passed in 1993 was to relieve health centers of the burdensome costs of private malpractice insurance by extending Federal Tort Claims Act coverage to health center employees. The funds saved on these premiums could then be used to provide health care to additional individuals. H.R. 1747 extends current law and enables these health centers to maximize their Federal dollars and provide health care service to more people.

Based upon the current statute, 542 health centers have been approved for FTCA coverage. However, because final regulations were not issued until May 8, 1995 the program has not been fully implemented. This lengthy period of uncertainty regarding the law's scope has made it necessary for many health centers to continue their private malpractice coverage. Despite this delay, 119 health centers have reportedly saved $14.3 million because they have been able to drop private malpractice coverage for one or more of their clinicians.

The amendment before us would make the FTCA coverage permanent. The amendment also clarifies that participation in the FTCA is at the option of the health center and is not mandatory. It also modifies a study of the program so that a true cost-benefit analysis of the program will be done. This amendment was crafted with input from a bipartisan group of Members, the community health centers, and insurance agents who sell private malpractice insurance. I believe this amendment satisfies everyone's objectives for this legislation.

I urge my colleagues to join me in supporting H.R. 1747.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation that would extend the law that allows the community health centers to take advantage of the Federal Tort Claims Act coverage. That will mean and has meant for a number of these community health centers that they will not have to use their scarce resources to go out and buy a private medical malpractice insurance policy, since they will be covered by the Federal law, the same as any other Federal agency would under the circumstances.

This legislation was authored originally by the gentleman from Oregon, Mr. WYDEN, and coauthored by the gentlewoman from Connecticut, Mrs. NANCY JOHNSON. It has worked well, and the bill before us would be to extend the legislation to be able to work in the future.

Mr. Speaker, I support the legislation and urge all our colleagues to support it as well.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman again for his cooperation regarding this legislation, and I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank my colleague, the gentleman from Florida [Mr. BILIRAKIS], for his leadership on this issue and for his help in working out the amendment that has made it possible for this bill to offer this program on a permanent basis. He has always been a strong supporter and advocate of community health centers, and I appreciate the gentleman's good help.

I also appreciate the support of my colleague, the gentleman from California, Mr. WAXMAN, his longtime support and hard work on the legislation governing our community health centers, and want to acknowledge the work of my colleague, the gentleman from Oregon, Mr. RON WYDEN, on this issue. He and I introduced the original legislation 3 years ago, which was heavy lifting, as we say in this body, and we are very pleased that this is before us today to make this program permanent. While he cannot be with us at this time, I want to commend the hard work and the real dedication of the gentleman from Oregon [Mr. WYDEN] to ensuring that the important health services that these centers provide are there for people in America.

Mr. Speaker, H.R. 1747, the federally supported Health Centers Assistance Act of 1995, makes permanent, at no additional cost to taxpayers, a highly successful demonstration project offering malpractice coverage for the Nation's community, migrant, and homeless citizens under the Federal Tort Claims Act.

H.R. 1747 will ensure that the maximum amount of the limited Federal funds supporting health centers are spent to provide quality patient care and services, rather than to pay for malpractice insurance premiums. The limited demonstration project saved health centers millions of dollars on malpractice insurance expenses over the past 2 years, allowing health centers to offer their services to an additional 75,000 patients. Federally supported health centers are nonprofit providers of health care to America's medically underserved. They serve the working poor, the uninsured, Medicare and Medicaid recipients, as well as high-risk and vulnerable populations.

Today health centers provide cost-effective primary and preventive care to over 8.8 million people nationwide. Health centers are public-private partnerships, funded in part by grants under the Public Health Service Act, which enable health centers to employ health care professionals and operate over 2,200 health service delivery sites throughout our cities and towns.

Private malpractice insurance has been a significant expense for these nonprofit centers. Prior to the FDCA coverage bill, health centers spent $40 billion annually of their grant funds for private malpractice insurance, yet they had very few claims. By permanently extending coverage for health centers under the FDCA, Congress will enable health centers to use more of their scarce Federal dollars for patient care instead of for malpractice premiums. For each $10 million saved in funds, health centers can serve an additional 100,000 patients with quality care.

Mr. speaker, I am proud to have supported legislation ensuring that standards for health centers ranked among the highest in terms of certification, quality care, and accountability.

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These health centers have a remarkably low incidence of malpractice claims.

Since the fall of 1993, only 30 claims have been filed against the 545 health centers approved for FTCA coverage, a rate consistent with the low rate of claims filed against health centers under private insurance.

More than ever, America's health centers have growing responsibilities for the provision of health care to medically underserved populations and communities, yet your support for the permanent extension of FTCA malpractice coverage for health centers will enable health centers to make cost-effective use of limited Federal grant funds, and I urge the support of my colleagues for this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentlewoman for her terrific leadership in this regard.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1747.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. WYDEN. Mr. Speaker, I wish to express my strong support for H.R. 1747, the Federally Supported Health Centers Assistance Act of 1995. I would like to thank members on both sides of the aisle, including Representative BILIRAKIS, Representative WAXMAN, and Representative FRANK for their unflagging support and assistance in moving this important piece of legislation through the House. In particular, I wish to thank Representative NANCY JOHNSON of Connecticut for her years of work and commitment on this bill. She is a true friend of community health centers and has been an outstanding partner in our fight for smarter Government. As always, it was a joy to work with her.

I think we all realize that the Federal Government has to work harder to squeeze every last ounce of service out of each taxpayer dollar allocated to health care. That's exactly what this program accomplishes.

This legislation will be a shot in the arm to struggling community health centers [CHC's]. The bill allows CHC's to reallocate desperately needed health care dollars from the coffers of private medical malpractice insurance companies to direct services for hundreds thousands more poor and rural Americans. Additionally, it will ensure that American taxpayers get the biggest bang for their buck.

When Representative JOHNSON and I first introduced this legislation in 1991, community health centers were paying $58 million a year, most of which came out of their Federal grant fund for medical malpractice insurance—while they only generated about $4 million a year in claims.

Roughly $54 million dollars, allocated by the Federal Government for health care services for poor and rural Americans, was not going for services, but was going as pure profit to large insurance corporations. It seemed to myself and Mrs. JOHNSON that there had to be a better way.

What we discovered was that Federal employees, including health care providers at the Veterans Administration, Department of Defense, and Indian Health Service, are covered by the Federal Tort Claims Act [FTCA] instead of by private insurers. It seemed only natural that community health centers, which receive a substantial sum of their operating budget from the Federal Government and which are strictly regulated by the Department of Health and Human Services, should also be included under this program.

The original Federally Supported Health Centers Assistance Act set up a fund, under the FTCA, to which a portion of the grants for community health centers would be allocated. To date, only 15 claims have been filed against health centers under the FTCA and none of the $11 million set-aside to be expended for coverage of such has been expended.

In fact, since the enactment of this bill in late 1992, coverage under the FTCA has saved community health centers an estimated $14.3 million, allowing about 75,000 more patients to be served.

H.R. 1747 reauthorizes the Federally Supported Health Centers Assistance Act permanently and clarifies portions of the original legislation. In particular, it ensures that doctors who have to do shared call are covered. These are doctors in rural or poor urban communities who all have to share duties at the local hospital.

The legislation also ensures that part-time doctors who work for health centers are covered under the FTCA, and it clarifies that FTCA coverage may apply in managed care arrangements with health centers.

Time is of the essence with this reauthorization. Since the final regulations for this program were not issued until May of this, many community health centers are waiting before they drop their private malpractice coverage to see if this act is reauthorized.

For those 119 health centers that are now covered under the FTCA, the situation is more urgent. If this bill is not reauthorized, they will have to start purchasing expensive private malpractice insurance in the next couple weeks to ensure that they are not left without coverage next year.

In Oregon, the passage of H.R. 1747 will mean a number of health centers will finally feel comfortable dropping their private malpractice insurance. At La Clinica Del Valle in Phoenix, OR, the health center will have as much as $20,000 more to spend on patients—meaning they can serve at least 250 patients. Next year, when they move to a new facility, they will save $40,000 or the equivalent of a part-time doctor—and be able to serve 500 more patients. At the Salud Medical Center in Woodburn, OR, reauthorizing this program will mean that the center will have at a minimum $10,000 more to spend on serving patients.

At the West Salem Clinic in Salem, OR, with the savings from this program, they will be able to hire a part-time nurse practitioner, and the head of the center estimates that this will mean they will be able to take 2,100 more visits from people in the area—or serve about 700 more patients. At the Southeastern Rural Health Network in Chiloquin, OR, the savings will mean the center can repair a leaking roof and build a wheelchair ramp so that handicapped people can enter the clinic to visit the doctor.

It seems to me that this legislation is a prime example of how we can work together, on a bipartisan basis, to come up with creative, cost-effective solutions, to provide people with more medical assistance and to effectively use American's hard-earned tax dollars. Again, I thank the Members who have helped with this important piece of legislation, and urge its speedy approval.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from Florida [Mr. BILIRAKIS] that the House suspend the rules and pass the bill, H.R. 1747, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TRINITY RIVER BASIN FISH AND WILDLIFE MANAGEMENT REAUTHORIZATION ACT OF 1995

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2243) to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for 3 years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes, as amended.

The Clerk read, as follows:

H.R. 2243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trinity River Basin Fish and Wildlife Management Reauthorization Act of 1995".

SEC. 2. CLARIFICATION OF FINDINGS.

Section 1 of the Act entitled "An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes", approved October 24, 1984 (98 Stat. 2721), as amended, is amended—

(1) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(2) by adding after paragraph (4) the following:

"(5) Trinity Basin fisheries restoration is to be measured not only by returning adult anadromous fish spawners, but by the ability of dependent tribal, commercial, and sport fisheries to participate fully, through enhanced in-river and ocean harvest opportunities, in the benefits of restoration;"; and

(3) by amending paragraph (7), as so redesignated, to read as follows:

"(7) the Secretary requires additional authority to implement a management program, in conjunction with other appropriate agencies, to achieve the long-term goals of restoring fish and wildlife populations in the Trinity River Basin, and, to the extent these restored populations will contribute to ocean populations of adult salmon, steelhead, and other anadromous fish, such management program will aid in the resumption of commercial, including ocean harvest, and recreational fishing activities.".

SEC. 3. CHANGES TO MANAGEMENT PROGRAM.

(a) OCEAN FISH LEVELS.—Section 2(a) of the Act entitled "An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes", approved October 24, 1984 (98 Stat. 2722), as amended, is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting ", in consultation with the Secretary of Commerce where appropriate," after "Secretary"; and

(B) by adding the following after "such levels.": "To the extent these restored fish and wildlife populations will contribute to ocean populations of adult salmon, steelhead, and other anadromous fish, such management program is intended to aid in the resumption of commercial, including ocean harvest, and recreational fishing activities.".

(b) FISH HABITATS IN THE KLAMATH RIVER.—Paragraph (1)(A) of such section (98 Stat. 2722) is amended by striking "Weitchpec;" and inserting "Weitchpec and in the Klamath River downstream of the confluence with the Trinity River;".

(c) TRINITY RIVER FISH HATCHERY.—Paragraph (1)(C) of such section (98 Stat. 2722) is

amended by inserting before the period the following: ", so that it can best serve its purpose of mitigation of fish habitat loss above Lewiston Dam while not impairing efforts to restore and maintain naturally reproducing anadromous fish stocks within the basin".

(d) ADDITION OF INDIAN TRIBES.—Section 2(b)(2) of such Act (98 Stat. 2722) is amended by striking "tribe" and inserting "tribes".

SEC. 4. ADDITIONS TO TASK FORCE.

(a) IN GENERAL.—Section 3(a) of the Act entitled "An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes", approved October 24, 1984 (98 Stat. 2722), as amended, is amended—

(1) by striking "fourteen" and inserting "nineteen";

(2) by striking "United States Soil Conservation Service" in paragraph (10) and inserting "Natural Resources Soil and Conservation Service"; and

(3) by inserting after paragraph (14) the following:

"(15) One individual to be appointed by the Yurok Tribe.

"(16) One individual to be appointed by the Karuk Tribe.

"(17) One individual to represent commercial fishing interests, to be appointed by the Secretary after consultation with the Board of Directors of the Pacific Coast Federation of Fishermen's Associations.

"(18) One individual to represent sport fishing interests, to be appointed by the Secretary after consultation with the Board of Directors of the California Advisory Committee on Salmon and Steelhead Trout.

"(19) One individual to be appointed by the Secretary, in consultation with the Secretary of Agriculture, to represent the timber industry.".

(b) COORDINATION.—Section 3 of such Act (98 Stat. 2722) is further amended by adding at the end thereof the following new subsection:

"(d) Task Force actions or management on the Klamath River from Weitchpec downstream to the Pacific Ocean shall be coordinated with, and conducted with the full knowledge of, the Klamath River Basin Fisheries Task Force and the Klamath Fishery Management Council, as established under Public Law 99–552. The Secretary shall appoint a designated representative to ensure such coordination and the exchange of information between the Trinity River Task Force and these two entities.".

(c) REIMBURSEMENT.—Section 3(c)(2) of such Act (98 Stat. 2723) is amended by adding at the end the following: "Members of the Task Force who are not full-time officers or employees of the United States, the State of California (or a political subdivision thereof), or an Indian tribe, may be reimbursed for such expenses as may be incurred by reason of their service on the Task Force, as consistent with applicable laws and regulations.".

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to actions taken by the Trinity River Basin Fish and Wildlife Task Force on and after 120 days after the date of the enactment of this Act.

SEC. 5. APPROPRIATIONS.

(a) EXTENSION OF AUTHORIZATION.—Section 4(a) of the Act entitled "An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes", approved October 24, 1984 (98 Stat. 2723), as amended, is amended—

(1) in paragraph (1), by striking "October 1, 1995" and inserting in lieu thereof "October 1, 1998"; and

(2) in paragraph (2), by striking "ten-year" and inserting in lieu thereof "13-year".

(b) IN-KIND SERVICES; OVERHEAD; AND FINANCIAL AND AUDIT REPORTS.—Section 4 of such Act (98 Stat. 2724) is amended—

(1) by designating subsection (d) as subsection (h); and

(2) by inserting after subsection (c) the following new subsections:

"(d) The Secretary is authorized to accept in-kind services as payment for obligations incurred under subsection (b)(1).

"(e) Not more than 20 percent of the amounts appropriated under subsection (a) may be used for overhead and indirect costs. For the purposes of this subsection, the term 'overhead and indirect costs' means costs incurred in support of accomplishing specific work activities and jobs. Such costs are primarily administrative in nature and are such that they cannot be practically identified and charged directly to a project or activity and must be distributed to all jobs on an equitable basis. Such costs include compensation for administrative staff, general staff training, rent, travel expenses, communications, utility charges, miscellaneous materials and supplies, janitorial services, depreciation and replacement expenses on capitalized equipment. Such costs do not include inspection and design of construction projects and environmental compliance activities, including (but not limited to) preparation of documents in compliance with the National Environmental Policy Act of 1969.

"(f) Not later than December 31 of each year, the Secretary shall prepare reports documenting and detailing all expenditures incurred under this Act for the fiscal year ending on September 30 of that same year. Such reports shall contain information adequate for the public to determine how such funds were used to carry out the purposes of this Act. Copies of such reports shall be submitted to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

"(g) The Secretary shall periodically conduct a programmatic audit of the in-river fishery monitoring and enforcement programs under this Act and submit a report concerning such audit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.".

(c) AUTHORITY TO SEEK APPROPRIATIONS.—Section 4 of such Act, as amended by subsection (b) of this section, is further amended by inserting after subsection (h) the following new subsection:

"(i) Beginning in the fiscal year immediately following the year the restoration effort is completed and annually thereafter, the Secretary is authorized to seek appropriations as necessary to monitor, evaluate, and maintain program investments and fish and wildlife populations in the Trinity River Basin for the purpose of achieving long-term fish and wildlife restoration goals.".

SEC. 6. NO RIGHTS AFFECTED.

The Act entitled "An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes", approved October 24, 1984 (98 Stat. 2721), as amended, is further amended by inserting at the end thereof the following:

"PRESERVATION OF RIGHTS

"SEC. 5. Nothing in this Act shall be construed as establishing or affecting any past, present, or future rights of any Indian or Indian tribe or any other individual or entity.".

SEC. 7. SHORT TITLE OF 1984 ACT.

The Act entitled "An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes", approved October 24, 1984 (98 Stat. 2721), as amended by section 6 of this Act, is further amended by adding at the end the following:

"SHORT TITLE

"SEC. 6. This Act may be cited as the 'Trinity River Basin Fish and Wildlife Management Act of 1984'.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes, and the gentleman from California [Mr. MILLER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support H.R. 2243, to extend the Trinity River Basin Fish and Wildlife Act of 1984.

This bill, introduced by our distinguished colleague from California, FRANK RIGGS, will build upon the successes of the past decade and continue the important work of rebuilding valuable fish and wildlife populations in the Trinity River Basin.

Furthermore, the legislation will expand the membership of the Trinity River task force to include representatives from commercial, recreational, and tribal fishing interests. By broadening the membership of the task force, I am confident that the Secretary of the Interior will receive new and valuable advice on innovative ways to improve the Trinity River Basin in the future.

I urge the adoption of H.R. 2243, and I compliment FRANK RIGGS for his tireless work on behalf of his constituents.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleague from Alaska in supporting the enactment of H.R. 2243, the Trinity River Basin Fish and Wildlife Management Reauthorization Act of 1995.

Mr. Speaker, a little over 30 years ago, Federal dams on the Trinity River in northern California began taking up to 90 percent of the river's flow and sending it west through the mountains to the Sacramento Valley. From there, Trinity River water flowed south, ultimately to irrigate cotton and tomato fields in the San Joaquin Valley. Unfortunately, diversions from the Trinity River Basin have devastated fish populations.

The health of the Trinity River is crucial to the well-being of Indian communities and to the commercial and recreational fishing economies. H.R. 2243 will help ensure that future decisions that affect flows in the Trinity River will be based on good science and an understanding of the hydrology and biology of this complex river system.

This bill will clarify the goals of the Trinity River Fish and Wildlife Restoration Program and will extend the authorization of the Trinity River Fish and Wildlife task force.

The restoration program and the task force are strongly supported by commercial fishing interests, including the Pacific Coast Federation of Fishermen's Associations; sport fishing interests; native Americans who depend on

the river and its fishery; environmentalists; and other stakeholders in the Trinity River Basin. The restoration program enjoys broad support because it is based on good science and because it is producing results.

While I strongly support the work of the restoration program and the task force, I remain concerned that agricultural interests in the Sacramento and San Joaquin Valleys are still interested in diverting as much water as they can away from the Trinity River Basin. In particular, H.R. 2738, Mr. DOOLITTLE's bill to rewrite the 1992 Central Valley Project Improvement Act, includes provisions that will undermine and perhaps nullify efforts to restore the Trinity, and perhaps even open the way for more water conflicts throughout California. California's Constitution and State laws are clearly designed to protect areas of origin such as the Trinity River Basin, and these concepts were incorporated by Congress into the 1955 law that authorized construction of the Trinity River division of the Central Valley project. I will strongly oppose proposals that violate these precepts, and I caution my colleagues to be aware of plans for further assault on these critical fishery resources.

Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Speaker, I rise in strong support of H.R. 2243, the Trinity River Basin Fish and Wildlife Management Reauthorization Act of 1995. I wish to acknowledge and thank my colleague, FRANK RIGGS, and his staff for their efforts to bring this legislation to the floor. I also wish to thank Chairman SAXTON, Chairman DOOLITTLE, Chairman YOUNG, and their staff for their help and cooperation moving H.R. 2243 through committee.

Mr. Speaker, the reauthorization of the Trinity River restoration program enjoys broad support from the residents of Trinity County in northern California. Congress authorized the restoration program in 1984 to study the effect of increased stream flow and watershed rehabilitation within the Trinity River system. The primary purpose of the program is to restore fish habitat that was lost due to the construction of Lewiston and Trinity Dams. The program gives priority to rehabilitating spawning areas for winter and spring-run chinook salmon.

Mr. Speaker, H.R. 2243 extends the Trinity River program for 3 years. This will authorize completion of an environmental impact statement that the Secretary of the Interior will use to establish an adequate stream flow for salmon populations. It will also authorize additional river bank restoration projects intended to maximize the effectiveness of streamflow modifications.

As members of the California delegation can attest, our State's water supply, particularly within the Central Valley project, is used for a variety of important purposes and is constantly stretched to the limit. Efficient water use is therefore, essential to meeting the demands of the future.

H.R. 2243 will maximize water use within the Trinity River system by helping to establish an appropriate balance between riverbank restoration and stream flow. The benefits of this balance will be rejuvenated fisheries and a more stable long-term supply of water for counties of origin, recreation, agriculture, wildlife habitat, industry, and a host of other important water uses.

Mr. Speaker, this is a good bill, and I urge my colleagues to vote in favor of its passage.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, I urge the support of this legislation.

Mr. SAXTON. Mr. Speaker, I am pleased to present to the House of Representatives H.R. 2243, a bill introduced by our colleague from California, FRANK RIGGS, to reauthorize the Trinity River Basin Fish and Wildlife Act of 1984.

During the past 10 years, nearly $60 million has been spent on trying to restore the habitat of the Trinity River Basin in an effort to rebuild the populations of various fish and wildlife species, including chinook and coho salmon and steelhead trout.

Among the accomplishments of the Trinity River Basin Fish and Wildlife Act are the construction of the Buckhorn Debris Dam, the modernization of the Lewiston Hatchery, and the purchase and rehabilitation of 17,000 acres of highly erodible lands along Grass Valley Creek.

H.R. 2243, which was the subject to a hearing before the Subcommittee on Fisheries, Wildlife and Oceans on November 2, will extend the Trinity River Basin Fish and Wildlife Management Program for another 3 years; expand the membership of the task force to include representatives from the timber industry and commercial, recreational, and tribal fishing interests; and will specify that stocking the Trinity River with hatchery fish should not impair efforts to restore naturally reproducing stocks.

At that subcommittee hearing, every witness testified in support of the reauthorization of the act; and there was a consensus that the Trinity River is the principal natural asset of this broad geographic region and crucial component of the economy.

The goal of H.R. 2243 is simple: to restore fish and wildlife populations in the Trinity River Basin. While working with the sponsor of this bill and other interested Members, it has become very clear that this legislation attempts to walk through a mine field of other issues that are not so simple. At the subcommittee markup, the bill was refined to address most of the recommended changes. I hope that we will continue to walk carefully through that mine field without attempting to refight the California water wars of the past.

Mr. Speaker, proponents of this legislation have persuasively argued that restoration of the Trinity River Basin is of paramount importance to the economy and culture of northwestern California. Reauthorization will allow this program to march forward and to complete a number of high priority efforts including the restoration of the Grass Valley Creek watershed, the South Fork fish habitat and watershed, and to implement a wildlife management program.

I strongly support H.R. 2243 and I want to compliment Congressman FRANK RIGGS for his effective leadership in this matter. I urge the adoption of H.R. 2243.

This bill to extend the authorization of the Trinity River Restoration Act for 3 years is extremely important to Northern California, and I ask my colleagues to vote in favor of passage.

I want to thank the managers of this bill—the Chairman [Mr. SAXTON] and Ranking Minority Member [Mr. STUDDS] of the Fisheries Subcommittee, as well as the Chairman [Mr. YOUNG] and Ranking Minority Member [Mr. MILLER] of the full Resources Committee. They gave this measure their priority attention.

I ask unanimous consent that my statement in support of the bill be included in the RECORD with the debate on H.R. 2243.

Mr. RIGGS. Mr. Speaker, I strongly recommend that the House approve H.R. 2243, legislation that my colleague from California [Mr. HERGER] and I introduced on August 4th of this year to reauthorize of the Trinity River Restoration Act.

Trinity River water began to be diverted into the Sacramento River basin in 1963. Average annual runoff of 1.2 million acre-feet declined to 120,000 acre-feet. This had a devastating impact on fisheries that historically had produced total spawning escapements of 100,000 Chinook and Coho salmon and steelhead.

Correcting the problem required action in three areas; Stream flow, harvest management, and watershed stabilization. The Secretary of the Interior administratively increased stream flow to 340,000 acre-feet, action subsequently ratified by Congress an amendment I offered to the Central Valley Project Improvement Act. In 1984, Congress passed the Trinity River Basin Fish and Wildlife Act, authorizing appropriations of $57 million over a 10-year period. Another $15 million was approved in 1993 for purchases of 17,000 acres in the Grass Valley Creek watershed and other program needs.

While I was able to include a temporary extension of the Restoration Act in the 1996 Energy and Water Development Appropriations Act, enactment of this legislation is important to continuation of the restoration program, reauthorization will set the stage for the 1996 release by the Secretary of the Interior of the Flow Study required by the 1984 Act.

A restored Trinity river will have an impact well beyond the immediate area. As the largest tributary of the Klamath River, a healthy Trinity will benefit the economy of a wide area of California and Oregon.

Success in our restoration efforts will also demonstrate that the Federal Government is

keeping its promise to correct environmental degradation which it has caused.

The bill being considered by the House today was drafted after the Water and Power Subcommittee held an oversight hearing on the Trinity River Restoration Act last July. At that hearing, concerned individuals suggested elements that should be included in any new legislation.

H.R. 2243 incorporates elements of a bill proposed by the Administration last March. It also reflects a consensus of the major Trinity River stakeholders that enhanced fish harvest opportunities both in-river and in the ocean are measures of a healthy Trinity. The fact that a consensus could be reached among such diverse groups as Indian Tribes, commercial fishermen, and environmental organizations is a tribute to their concern for the Trinity.

Mr. Speaker, key provisions of H.R. 2243 include the following.

The findings of the original Act are expanded to emphasize the importance of ocean harvest opportunities, recognizing, of course, that many factors contribute to the health of our ocean fisheries.

Restoration activity is authorized in the Klamath River, downstream from its intersection with the Trinity to the ocean.

The bill clarifies that the purpose of the Trinity River Fish Hatchery is mitigation of fish habitat loss above Lewiston Dam; it should not impair efforts to restore and maintain naturally reproducing fish stocks.

The Trinity River Task Force would be expanded to include representatives of the Yurok and Karuk Tribes, plus commercial fishing, sport fishing, and timber industry interests.

The restoration program is extended for three years under the existing authorization of appropriations. In-kind services can be accepted as match, and overhead and indirect costs are limited to 20 percent.

Mr. Speaker, I am pleased that reauthorization of the Trinity River Restoration Act has broad bipartisan support. I particularly want to thank the Chairman [Mr. SAXTON] and Ranking Minority Member [Mr. STUDDS] of the Fisheries Subcommitted, as well as the Chairman [Mr. YOUNG] and Ranking Minority Member [Mr. MILLER] of the full Resources Committee, for giving this measure their priority attention.

I urge my colleagues to vote in favor of H.R. 2243.

Mr. MILLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. the question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 2243, as amended.

The question was taken.

Mr. YOUNG of Alaska. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

DON EDWARDS SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1253) to rename the San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge.

The Clerk read as follows:

H.R. 1253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE RENAMED AS DON EDWARDS SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE.

(a) REFUGE RENAMED.—The San Francisco Bay National Wildlife Refuge (established by the Act entitled "An Act to provide for the establishment of the San Francisco Bay National Wildlife Refuge", approved June 30, 1972 (86 Stat. 399 et seq.)), is hereby renamed and shall be known as "the Don Edwards San Francisco Bay National Wildlife Refuge".

(b) REFERENCES.—Any reference in any statute, rule, regulation, Executive order, publication, map, or paper or other document of the United States to the San Francisco Bay National Wildlife Refuge is deemed to refer to the Don Edwards San Francisco Bay National Wildlife Refuge.

(c) CONFORMING AMENDMENT.—The Act entitled "An act to provide for the establishment of the San Francisco Bay National Wildlife Refuge", approved June 30, 1972 (86 Stat. 399 et seq.), is amended by striking "San Francisco Bay National Wildlife Refuge" each place it appears and inserting "Don Edwards San Francisco Bay National Wildlife Refuge".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes, and the gentleman from California [Mr. MILLER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I watch my California colleagues come to the floor, I do hope that they will recognize the greatest compliment we can give to Mr. Edwards is to make this short. I support H.R. 1253, introduced by the distinguished gentleman and our former colleague from California, Norm Mineta.

H.R. 1253 is a simple, noncontroversial bill that renames the San Francisco Bay National Wildlife Refuge after former Congressman Don Edwards.

Don Edwards served in the House of Representatives with distinction for 32 years. During that time, he was successful in convincing the Congress to authorize the San Francisco Bay National Wildlife Refuge, to expand its boundaries, and to appropriate the necessary funds to acquire the more than 22,000 acres that now comprise this unit.

The San Francisco Bay National Wildlife Refuge is the largest urban refuge in the United States. It contains a number of valuable wetlands, supports hundreds of thousands of shorebirds, and the refuge is visited by more than 250,000 people each year.

It is appropriate to rename this refuge after Don Edwards in recognition of his work and lifelong commitment to this effort. I urge an "aye" vote on H.R. 1253.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, 25 years ago, right after college, I came to Washington, DC, and I became an intern in the office of Congressman Don Edwards. One of the things that I did at that time was work on his dream to have a wildlife refuge in south San Francisco Bay.

Because I worked on his staff, I saw perhaps a different side of the amount of effort that it took for Congressman Don Edwards to actually make this dream a reality. From calling committee chairmen every day for months at a time until he was heard, to working with local governments on zoning issues, and with the business community to make sure that their support would be in place, he did everything that it was possible to do to make this wildlife refuge a reality.

Mr. Speaker, a lot of people know Don Edwards as a defender of civil liberties and civil rights and the Constitution. I heard him introduced as "the Congressman representing the Constitution," and that is a legacy that he has left for our country. But this wildlife refuge is another legacy that he has left for our country.

The educational center in Alviso, CA, near my district, is host to hundreds of thousands of schoolchildren who can learn about the wonder that is the bay and the marshlands, including my own children. Because of Don Edwards, the California clapper rail and the saltwater harvest marsh mouse are household names in my home, and I thank him for that.

I thank him for all that he has done for our community, and I think it is fitting that the schoolchildren who go to visit the wildlife refuge will know of Don Edwards and know that that wonderful resource would not be there but for this wonderful, honorable and fine man's diligent efforts. I thank you, Don Edwards.

I thank my colleagues, and I urge everyone to support this wonderful bill.

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Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Speaker, I want to thank the distinguished gentleman

from Alaska for joining in bringing this bill to the floor. It honors one of the most wonderful persons ever to serve in the House of Representatives.

Don Edwards is a great and caring environmentalist, and it is fit and proper that he be honored by naming the San Francisco Bay National Wildlife Refuge after him. His consistent strong work on behalf of the refuge preserves for the present and future generations one of the great wonders of our Nation.

As a matter of fact, in the field of preservation, it ought to be noted here among his friends that Don Edwards has not done a bad job of preserving himself. I saw him not so long ago, and he looks fine and fit and I am sure he may be watching us today. It may be a very proud time in his life.

As the previous speaker mentioned, Don's main work in Congress was of course in defense of the Bill of Rights. He indeed truly gave the Constitution and the Bill of Rights its own refuge, a safe haven from the whims and angry passions of the moment. Our rights protecting us against Government intrusion and abuse were given a shelter from the storm in Don Edwards' subcommittee. The rights of women, the right to pray without direction from the local majority, the right of speech, were all given protection and refuge by the courage and wisdom of this gentle Congressman from San Jose, CA.

So anyone who has seen the vast sweep of the San Francisco Bay will immediately understand the importance and enduring beauty of the work that Don did in creating the bay refuge. It is a monument to a monumental Congressman. I thank the committee for bringing this bill forward, and join in asking my colleagues to adopt it unanimously.

Mr. MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I rise to offer my strong support for the legislation offered by the distinguished chairman of the full committee, the gentleman from Alaska [Mr. YOUNG] and the ranking member, the gentleman from California [Mr. MILLER], and thank them for giving this opportunity to us to honor a great person who served in this Congress, indeed, a great American, Don Edwards. It is appropriate that H.R. 1253 would rename the San Francisco Bay Wildlife Refuge after the dean of the California delegation, the former dean, Don Edwards.

Heeding the admonition of the chairman of the committee, I will be brief, Mr. Speaker, because indeed as you can see, many of us from California in particular but from all over the country could speak all day about Don Edwards. As I say, he loved the Constitution, he loved this country, both in its ideas and its physical beauty as well.

The chairman of the full committee went into detail about what the bill would do and why it was important for that legislation to exist and this renaming to take place. I just want to reiterate one concept, that it is now the largest urban refuge in the United States and is visited by over 250,000 people each year.

Renaming the refuge after Congressman Edwards is a fitting token, certainly not enough for the contribution that he has made to this country but a fitting token of appreciation to him for his leadership and the hard work that he did to make this.

As our colleague, the gentlewoman from California [Ms. LOFGREN], said earlier, for generations to come children who visit the refuge will now know who Don Edwards is, for ages to come, and the valuable contribution that he made to our country.

In that spirit, I wish to once again commend the chairman of the full committee, the gentleman from Alaska [Mr. YOUNG], and the gentleman from California [Mr. MILLER] for their leadership in making this vote possible today.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 1253, to name the San Francisco Bay National Wildlife Refuge for our distinguished former colleague, Don Edwards, who represented the 16th Congressional District of California in this House for three decades.

This is a difficult time in the history of political discourse in our Nation. Rhetoric is inflamed, partisanship persistent, and open anger barely under control as we wrestle with issues that will determine the future course of this Nation and of millions of its most vulnerable citizens. I think it can be fairly said that both parties share the blame for that condition, as do members of the press who pursue the outlandish, the acerbic, and the meanspirited remark.

Don Edwards, who left this Chamber for the last time only a year ago, already seems of a different age—an age when legislators could disagree without being disagreeable, even in discussions of issues that bitterly divided them from each other. He was distinguished without being pompous, fairminded without being neutral, and patriotic without being chauvinistic.

When we think of Don Edwards' legislative achievements, we often think of his work on the Judiciary Committee and especially his chairmanship of the Constitutional Rights Subcommittee. He was a man who could simultaneously champion the constitutional rights of our most despised citizens, while advocating strong punishment of criminal behavior. We also think of his work on international issues, and his deep devotion to peace and an end to the arms race and cold war.

But Don had another great love: the preservation of the wetlands and habitat of San Francisco Bay that had been so affected by decades of development, landfill, and pollution. He fought for the creation of the San Francisco Bay National Wildlife Refuge, and it is that refuge that we seek to name for him today.

Congress authorized the establishment of a 23,000 acre national wildlife refuge in south San Francisco Bay in 1972. On October 28, 1988, President Reagan signed Public Law 100–556 authorizing the acquisition of an additional 20,000 acres, for a total of 43,000 acres. The Fish and Wildlife Service has completed the environmental assessment process for the refuge additions, and work is underway to acquire property for this regional resource.

The objectives of the refuge are to protect the wildlife resources of the south San Francisco Bay area, provide wildlife-oriented recreation, and preserve a natural area in close proximity to a large urban center. The marshes, mudflats, open water, and salt ponds form an ecosystem which supports a rich diversity of fish and wildlife. It is a major nesting and feeding area for waterfowl and shorebirds, hauling out ground for the harbor seal and habitat for three endangered species. The refuge has more than 300,000 visitors annually participating in the many opportunities for fishing, animal and bird observation, research and environmental education.

This great bay area resources exists, in no small part, thanks to the tireless work of Don Edwards, and it is altogether right and fitting that he be memorialized by having it named in his honor. Both those who were fortunate enough to have served with Don, and those who never got to know this consummate legislator and statesman, pay tribute to a life of public service by voting to pass this legislation and, in doing so, we help to honor this House and our profession as legislators.

Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding me the time. I certainly want to congratulate the committee and certainly know this bill will pass with a unanimous vote in naming the San Francisco Bay National Wildlife Refuge after Dan Edwards, a great friend of ours.

Mr. Speaker, I had the pleasure of serving with Don Edwards for a number of years. He was a wonderful Member, a fine friend of ours. He is enjoying life in traveling and visiting friends.

Mr. Speaker, he was the vice chairman of the House Committee on Veterans' Affairs when I was chairman of this great committee. He was a person easy to work with. In fact he could have been the chairman of the Veterans Affairs Committee but he had to take another committee assignment.

I wish that sometime that we could name something else for Don Edwards in the veterans' field, because he was very supportive of all veterans' programs. I am proud to have had the privilege of working with him, so I congratulate the committee, and I rise in strong support for naming this refuge the Don Edwards San Francisco Bay National Wildlife Refuge.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I want to add to those who thought that Don Edwards was one of the finest individual Members ever to set foot in this House of Representatives; his decency, compassion in many fields. I just think this is an important tribute. I want to congratulate the chairman and the ranking member for taking this action.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I would just like to say that those of us from the bay area certainly believe that we honor our area by naming this grand refuge after Don Edwards, for all of his work.

We also believe, and I think those who had the pleasure of serving with Don and his wife Edie believe that we honor our institution when we think of the grace and the courage that they both brought to public life, in their combined service in and on behalf of so many people who strongly needed the attention of the Government to help make their lives better. People knew that you could always call on Don Edwards and on Edie to provide a voice, to provide support, to provide commitment.

So this is a very proud day for those of us who served with Don and Edie, and certainly those of us from the San Francisco Bay area and from California, as we think we honor ourselves as an institution and Members of the institution and our region with this naming.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I can only echo what has been said about Donny Edwards. He called me DONNY YOUNG, he was Donny Edwards. In fact, I had an amendment to the bill. I was going to strike out Edwards and put "Young" after "Don" in each one of them. I am confident that would kill the bill for sure.

But in reality, I would like to suggest that he was an asset to this House when he served, the time that he served with distinction. I know this area, being from California, and being much wiser in going to Alaska. I recognize the importance of this area.

This is a tribute to Mr. Edwards and his support. Maybe someday after I have left this great House, they will be able to take and name the refuge after me.

Just keep that in mind, my fellow colleagues.

I again want to express my support for this legislation in recognition of a good friend that left here. Although he and I were not many times on the same sides of issues, he was a gentleman and indeed he brought a great deal of respect to this House.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, again, I want to thank the gentleman from Alaska [Mr. YOUNG] for all his help and cooperation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, in 1972, Congressman Don Edwards sponsored legislation to establish the San Francisco Bay National Wildlife Refuge. In subsequent years, the Congressman was successful in securing funds to acquire land for the refuge and to expand the boundaries of that unit.

The San Francisco Bay National Wildlife Refuge is more than 21,000 acres, it is a key wintering area for diving ducks along the Pacific flyway, and it supports hundreds of thousands of shorebirds. Furthermore, the refuge is comprised of valuable wetlands located around the bay and it is heavily visited by more than 250,000 people who enjoy its facilities each year. The San Francisco Bay National Wildlife Refuge is the largest urban refuge in the United States.

H.R. 1253 was introduced by then Representative Norm Mineta on March 15, 1995. It was the subject of a subcommittee hearing on May 25, and the sole purpose of this legislation is to rename the refuge as the Don Edwards San Francisco Bay National Wildlife Refuge is recognition of the former Congressman's commitment and dedication to its success.

Mr. Speaker, I support this bill. It is a fitting tribute to a man who tirelessly worked for the good of this refuge for over 20 years. I urge an "aye" vote on H.R. 1253.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 1253.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

NATIONAL PARK AND NATIONAL WILDLIFE REFUGE SYSTEMS FREEDOM ACT OF 1995

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2677) to require the Secretary of the Interior to accept from a State donations of services of State employees to perform, in a period of Government budgetary shutdown, otherwise authorized functions in any unit of the National Wildlife Refuge System or the National Park System, as amended.

The Clerk read as follows:

H.R. 2677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Park and National Wildlife Refuge Systems Freedom Act of 1995".

SEC. 2. REQUIREMENT FOR SECRETARY OF THE INTERIOR TO ACCEPT STATE DONATIONS OF STATE EMPLOYEE SERVICES.

(a) REQUIREMENT.—Notwithstanding section 1342 of title 31, United States Code, the Secretary shall accept from any State donations of services of qualified State employees to perform in a Unit, in a period of Government budgetary shutdown, functions otherwise authorized to be performed by Department of Interior personnel.

(b) LIMITATIONS.—An employee of a State may perform functions under this section only within areas of a Unit that are located in the State.

(c) EXCLUSION FROM TREATMENT AS FEDERAL EMPLOYEES.—A State employee who performs functions under this section shall not be treated as a Federal employee for purposes of any Federal law relating to pay or benefits for Federal employees.

(d) ANTI-DEFICIENCY ACT NOT APPLICABLE.—Section 1341(a) of title 31, United States Code, shall not apply with respect to the acceptance of services of, and the performance of functions by, qualified State employees under this section.

(e) DEFINITIONS.—In the section—

(1) the term "Government budgetary shutdown" means a period during which there are no amounts available for the operation of the National Wildlife Refuge System and the National Park System, because of—

(A) a failure to enact an annual appropriations bill for the period for the Department of the Interior; and

(B) a failure to enact a bill (or joint resolution) continuing the availability of appropriations for the Department of the Interior for a temporary period pending the enactment of such an annual appropriations bill;

(2) the term "Secretary" means the Secretary of the Interior; and

(3) the term "Unit" means a unit of—

(A) the National Wildlife Refuge System, or

(B) the National Park System.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. MILLER] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is unfortunate this legislation has to be on the floor, and I say has to be on the floor today.

Mr. Speaker, last month's partial Government shutdown effectively closed the entire National Park System and the National Wildlife Refuge System. For the first time in the history that I can remember, in 24 years, this has occurred. In the process it locked out thousands of visitors who had paid for the parks and paid for the refuges, hundreds that had paid for the refuges, supported by the hunters, fishermen, and bird watchers seeking to enjoy our parks and refuges, by an action of the Secretary of the Interior, by in fact saying the nonessential workers had to go home so we had to shut it down. If they were nonessential then, what are they today?

To prevent the closure of the Grand Canyon National Park, Arizona Governor Fife Symington made a commonsense proposal which would have allowed the park to operate during a shutdown with State employees. Unfortunately, the proposal was rejected by the Interior Department. So visitors from around the world and across the country who came to see the Grand Canyon were locked out.

□ 1615

Arizona was not alone in its effort to keep Federal lands open to the public. As the gentlewoman from Arkansas will soon tell you, her State and Mississippi had an agreement with the regional director of Fish and Wildlife to operate certain refuges during the shutdown.

I want to stress this, refuges are managed by the States today, under the agreement with the Department of the Interior. But this agreement was rejected by the department's lawyers in the District of Columbia under the direction of Secretary Babbitt.

In a bipartisan effort to help States in an effort to keep the national parks and refuges open during the Government shutdown, I introduced H.R. 2677, the National Parks and National Wildlife System Freedom Act; this bill merely requires the Interior Department to accept, not require, but for them to accept the services of qualified State employees to operate parks and refuges during a Government shutdown. My bill is very similar to H.R. 2706, introduced by the gentlewoman from Arkansas [Mrs. LINCOLN], which limited itself to continuing hunting programs on refuges. This bill has no budget impact, since the States would be supplying funds to operate the parks and refuges.

Moreover, this bill is voluntary for the States. States do not have to do this. This is not a requirement. But when a State steps forward and says, "Yes, we can, in the case of a shutdown," when the Secretary for the first time in history shut down refuges, when a State comes forward and says, "We will because we already set the bag limit, we already set the take, we already set the season, we already set the species. We will operate these refuges."

The bill does not address the issues of liability, which you will hear later. The State employees are stepping into the shoes of Federal employees of allowing our States who normally operate the parks and refuges, and, as a result, the standard liability rules will apply. By the way, when was the last time there was any lawsuit against the Federal Government in a refuge or a park? I hope someone will answer that. I cannot remember it, nor have I seen it; in fact, if it occurs, it does come to my mind maybe we ought to put something else on the endangered species, and that would possibly be the legal profession.

We will hear from some in the minority who are concerned about the expedited process or procedures used to bring this bill to the floor today. I do have some sympathy with that. The full Committee on Resources held a 2½ hour hearing on this bill about last week with the minority members participating very actively. Because of the sense of urgency involved to get this bill to the House and Senate before a possible, and I say possible, Government shutdown in 4 days, it is imperative this bill be on the floor no later than today. As a result, no markup was held.

Under the rules, we can bring the bills to the floor and allow our States to keep the parks and refuges open and require the expedited process to be used.

The bill has bipartisan support. It has been endorsed by the Western Governors' Association, which passed a resolution of support. It is also supported by the Congressional Sportsmen's Caucus.

This is a commonsense proposal to help prevent our constituents from being locked out of parks and refuges during future Government shutdowns.

I urge my colleagues to support this legislation.

Mr. Speaker, if I may say, this bill would not be necessary if this Secretary of the Interior had acted accordingly. Yes, sometimes we have shut down our monuments. Yes, we have shut down some of our parks. When a Governor steps forward and says because of the State activity because of the deadlock between the President and the Congress, let us have the opportunity, but more offensive to me is when a State now has the authority to manage fish and wildlife on a refuge to have one person, one person to say all nonessential employees go home, we are going to shut down these refuges regardless of what the State has done in the past. This legislation is voluntary. It just requires the Secretary to accept a proposal from the State official as is offered to the Secretary of the Interior.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I oppose this bill, and as the chairman knows, I have given him some support lately, but not this time. This is a bad bill.

Mr. Speaker, why do thousands of Americans visit our national parks every year? The answer is because they appreciate and treasure our parks. Last year 270,000 Americans came to our parks. And why do those thousands of Americans appreciate our parks? The reason is because they are successfully managed.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I want to correct a statement. You said, 270,000?

Mr. RICHARDSON. That is correct, 270 million.

Mr. YOUNG of Alaska. There you go, 270 million.

Mr. RICHARDSON. I thank the gentleman.

This just reinforces my point. Why is the park so successfully managed? And the reason is because we have trained and experienced employees of the National Park Service who dedicate their lives to maintaining our parks.

So why are we here considering a bill which would entrust our parks to individuals who do not have the training or the skills necessary to manage a national park? Because some, and I will not say everyone on the other side, are rushing legislation to draw attention away from the fact that they are planning to force another Government shutdown.

Mr. Speaker, this bill is well intentioned. But it is going to leave our parks in the hands of individuals who lack training, who lack experience, lack the day-to-day knowledge of how to run our parks.

I have just as many hunters and fishermen as my colleague does, and I have not heard from them about the necessity of this dramatic legislation that we are considering today. Temporary State employees who may work hard in other areas of expertise are simply not going to possess the knowledge of national park regulations and management policies necessary to safely maintain our parks.

The bill also raises many questions, such as who is going to accept liability

for any accidents or damage to the parks? The fact is this bill is being brought under suspension without the apparent approval of the ranking member, the gentleman from California [Mr. MILLER], and without properly going through the legislative process. Unless the other side has proof of mismanagement within the National Park Service, then there really is not any reason to fix what is not broken.

It is also interesting to see some of my colleagues who have been pushing for a park closure commission now all of a sudden wanting to try to keep them open.

Mr. Speaker, the bottom line is that this is a bad exercise and a bad excuse to shut down the Government. The only way to keep our parks open is for the Congress to strip the Interior appropriations bill from the unnecessary riders so the President can sign the bill. Only then will the employees of the National Park Service be able to use their expertise to properly manage our parks and keep them open.

Mr. Speaker, let us look at some of the attributes in this bill, one of the provisions. While one Governor is eager to assume management of certain national parks, most State park systems are facing severe budget shortfalls. Even on a temporary basis, assuming management of national parks could cripple State park systems as the administration testified.

This bill leaves many management and liability questions unaddressed. Loose ends could jeopardize visitor safety, impair resource protection, which in the long run would likely create more problems than the bill seeks to solve. This proposed transfer which I understand is temporary, is consistent with the long-term agenda of some who have advocated giving management authority of public lands to State and local entities. This is a principle embodied in H.R. 260, a bill to create a national parks closure commission.

There are nationally significant resources which should not be managed on an ad hoc basis in times of budgetary pressure.

Last, here are some alternatives. What do we do about H.R. 2677 as alternatives? Why do not we all work with the administration to reclassify as essential those National Park Service employees necessary to ensure normal operations at all of our 369 national park areas? Why do we not pass a short-term continuing resolution to fund the Department of Interior until after New Year's Day, and last, break the current impasse, take those riders out, and enact H.R. 1977 as we usually do, the Interior appropriations bill for fiscal year 1996?

My chairman has been on a roll on some good bills lately, but on this one he is not on a roll, and I would urge defeat of this bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I may suggest one thing. The President will have a chance to sign an appropriation bill very soon this week. If he vetoes that bill, that means that the parks will not be open. By the way, I say this, this has not happened before. Yes, in some of the monuments, and the refuges are what really concern me the most when the State manages them. This is an example of this administration, the arrogance of this administration, mismanaging the parks that the taxpayers pay for.

As far as who can do it and who cannot do it, I will put up any State park against the Federal parks right now and how they are run. In fact, in California the one park that is being run right is the Redwoods State Park in California, not the National Redwood Park we made at a cost of $1.4 billion. It is poorly attended, poorly managed, poorly visited.

All we are saying, though, if, in fact, this would happen again, there can be differences of opinion between the Congress of the United States and the President of the United States. But no Secretary of the Interior should deprive any taxpayer the ability to visit that which he paid for because they have decided by the will and whim of any one individual that they are going to shut it down. In fact, they shut down concessionaire stands on the Smokey Ridge over here. They shut them down when the concessionaires themselves had a binding contract. They had people come in and said, "You will shut down." It was Gestapo tactics from the very get go.

This bill will stop the Secretary and this administration when the State says, "We can do it, we will do it, we will pay for it. We are liable, and we are going to keep it open for the American people."

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, as an original cosponsor of H.R. 2677, I am pleased that the House is having an opportunity to debate the merits of the National Parks and National Wildlife Refuge Systems Freedom Act.

Since coming to Congress in 1984, I have proudly represented New Jersey's Third Congressional District, which includes the 40,000 acres of the Edwin B. Forsythe National Wildlife Refuge.

This refuge, which is predominantly an estuarine marsh habitat, is one of the finest in our Nation, and over the years the size of this refuge has increased because of broad public support. Men and women in my district have provided the financial resources to protect this barrier island ecosystem and to acquire the upland forest and fields that have enhanced the biodiversity of the refuge. In addition, thousands of my constituents have enjoyed hunting and fishing on lands that comprise the Edwin B. Forsythe National Wildlife Refuge for generations.

Tuesday, November 14, was a bad day for America and for every person who wanted to visit a national park or national wildlife refuge unit. While my preference would be to complete action on an appropriations bill for the Department of the Interior, there must be a fail-safe or stop-gap procedure in place to avoid another public lands meltdown.

In my judgment, it was ludicrous that the Department of the Interior was unable or unwilling to accept the offer of Governor Symington to keep the Grand Canyon open by using State National Guard troops.

Mr. Speaker, this was just one example of where various State officials expressed willingness to operate our National Parks and Refuges with State employees. Sadly, these offers were rejected.

H.R. 2677 would provide a fail-safe measure and it would help to ensure that the gates to the Edwin B. Forsythe are never again padlocked and shut in the faces of those Americans who paid for these lands with their hard-earned tax dollars.

Mr. Speaker, I urge an "aye" vote on the National Parks and National Wildlife Refuge Systems Freedom Act.

□ 1630

Mr. MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from Arkansas [Mrs. LINCOLN].

Mrs. LINCOLN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, today I rise to support the purposes behind H.R. 2677. What we experienced in November is not a new phenomenon and there should be a set contingency arrangement for the management of our natural resources should the doors of the Federal Government again close due to the lack of appropriated funds.

I have been involved in the issue because, when the Government shut its doors in November, many of my constituents were refused entrance into the wildlife refuges for a prescheduled deer hunt.

Hunting is one of Arkansas' favorite family pastimes. People take time off work and families plan vacations around hunting trips. Prior to the recent shutdown, refuge managers had scheduled deer hunts at two Arkansas refuges. Hunters in my district went through an extremely competitive permit process, paid $12.50 for each permit, took days off from work, drove up to 6 hours, only to be turned away at the gates of the refuges. Needless to say, the budget crisis in Washington was not of their choosing and they were not happy about the results.

Weeks before the actual shutdown, the Fish and Wildlife Service worked

with the Arkansas Game and Fish Commission on an agreement to allow State employees to volunteer their services on the Federal wildlife refuges. This agreement was signed and ready to implement in the event of a Federal Government shutdown. However, days before the actual shutdown, the Interior Department determined that this agreement violated the Antideficiency Act and would not be allowed to go into effect.

I introduced a more narrow bill to reflect a more concise arrangement between the Fish and Wildlife Service and the Arkansas Game and Fish Commission. My bill would mandate a prior agreement between the Federal and State governments before the State could take over the management of hunting on wildlife refuges. The agreement mandated in my bill would ensure that State employees volunteering their services had proper safety training, knowledge of the terrain, knowledge of and adherence to Federal regulations, and ability to protect individuals and the natural resources.

I believe that shutting down the Government is a poor way of running a government or business. Americans who pay their taxes and play by the rules should expect their Federal Government to function properly and perform services that people rely on. They shouldn't be punished for Congress' inability to conduct its housekeeping chores. This bill only takes care of a small portion of the impacts arising from a Federal Government shutdown. However, this approach makes sense because there are currently such arrangements where the States manage Federal lands and historically, the Federal and State governments work closely together in setting hunting seasons.

I understand that we need to move quickly to resolve these issues if we are facing another potential shutdown on December 15. As I believe that there are still outstanding issues that need to be resolved to ensure safety and the protection of our natural resources, I look forward to working with the chairman, the Senate, the Fish and Wildlife Service and the Arkansas Game and Fish Commission on this issue and urge my colleagues to support this bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. RADANOVICH].

Mr. RADANOVICH. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I represent the 19th District in California, and in that district is included Yosemite National Park, Kings and Sequoia National Parks. I understand the magnitude of balancing a budget and coming to shutdowns and agreements, where we have really got to get our act together fiscally and budgetarily.

What I do not agree with is when innocent citizens are caught in the way of a government shutdown, such as the communities of Oakhurst, Aubury, Three Rivers, and Mariposa, those communities whose interests depend heavily on tourism generated by these national parks. It is for that reason that I support this bill.

Those involved in government, those that hang their hat on government, government employees, this body, those people are the ones that should suffer the consequences of a Federal Government unable to function and unable to come to agreements on a 7-year balanced budget scored by CBO; not people in small communities whose economies thrive on open national parks. It is for that reason I support this bill.

Mr. MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in opposition to this bill. It is an innocent sounding bill. Why can we not do something like leave the parks and the wildlife refuges open when we do not pass the appropriation measure and have them signed into law.

Well, if we do not pass the measure, it has profound impacts. There is not the funding available under the Constitution to in fact fund these functions of Government. Now, I am a little confused today, because in this instance, the new majority, the Republicans, are attempting to cover up and smooth over the problems that the parks and the wildlife refuges are not open under the funding lapse and we will not be able to hunt in them. As a hunter, I am sure that I would be concerned if I had that tag for that deer in Arkansas. I would want to participate and hunt. I understand that particular problem.

But, on the other hand, they want to smooth over that problem, but later today, under the debt ceiling legislation that is to be passed, they want to shut the Government down completely. They want to force Secretary Rubin into relinquishing borrowing authority that he lawfully exercises.

I am confused. What do you want? Do you want to shut the Government down or do you want to keep it open? The fact of the matter is you could answer this particular problem for this park and hunting issue by stripping out all the extraneous riders from the Interior appropriation, the special interest provisions for the mining industry, for the grazing industry, taking out the rules and regulations and the Tongass timber issues in southeast Alaska, which are holding that bill up, and send it to the President without that controversy, come to a compromise and pass and enact it.

You have not done that yet. The G.O.P. hasn't taken step one. That is the reason we are here, nearly 3 months after the date this bill should have been enacted. It is not enacted, and now, we are going to go through this hokey process of trying to suggest that everything will really run just as it is supposed to without funding, because we can enlist the States to run the parks and the wildlife refuges and you can go hunting if you want to, because the Governor from Arizona, for example, is going to be able to operate the park or the refuge.

What happens when someone gets in the Colorado River and they are on the wrong side and the Governor from Utah is not involved with his personnel? This bill does not make it possible to respond. This bill does not work. You have not answered the anti-deficiency questions. You have waived that law. You are fundamentally undercutting the authority and the ability of Congress in terms of controlling the purse strings.

Is that really what this Congress wants to do? I understand the good intention and the practical problems that some of my colleagues are having, but that just underlines the importance of funding. We ought to keep the pressure on to pass the Interior appropriation bill. We ought not to use this as just one more opportunity to gratuitously beat up on Federal employees, on Park Service employees, on the rangers and stewards of these public lands, such as I heard at last week's hearing.

The issue H.R. 2677 had one day of hearing, after little notice with regard to it, and suggesting we have over 400 park personnel in the Grand Canyon to operate it. The entire State of Arizona has 200 Park Service employees. How are they going to run the Grand Canyon? Not very well, I am afraid. The suggestion then is that we do not need those 400 Federal employees to operate the Grand Canyon, that somehow they are not doing their job or any State could do this and we do not need the Federal Government.

That is what this is all about. This is just a political game, a charade we are playing here, with I think a very important issue, the budget, and something very dear to the hearts of the American people, our parks and wildlife refugees. This bill actually creates more problems than it solves. It reminds me of my experience of being pushed off a deep drop off in a lake by a friend who then prevented my drowning and was hailed a hero. Thanks, but no thanks with that swimming experience or this legislation.

The Republican leadership is advancing this bill, H.R. 2677, as a solution to a self-imposed problem due to skewed priorities. The Interior appropriations bill still is not approved 10 weeks after the start of the fiscal year, hence no funding for the park and wildlife refuge operation. If the Republican majority had done its job and drafted a sound

appropriation measure without giveaways to the grazing, timber and mining industries, with funds for essential programs we would not be in this crisis situation without funding to keep our national parks and refuges open during a Federal shutdown and we would not be considering H.R. 2677 today. Just symbolically opening the Washington Monument or Grand Canyon won't solve the budget problem.

Not only should this bill be unnecessary, it fails to address many practical issues. I do not question the good intentions of most States or the sincerity of State employees who are willing to do what they can in a difficult situation; however, managing the Washington Monument, Yellowstone, Grand Canyon or any of our parks requires expertise that cannot be acquired on an ad hoc, emergency basis. I was Chairman of the Subcommittee on National Parks, Forests and Public Lands for 10 years and certainly I would like to see the parks open for people to enjoy. However, when our National Parks are open, the public and common sense demand that we ensure adequate public safety and adequate protection of the natural and cultural resources within the unit. H.R. 2677 guarantees neither.

Mr. Speaker, this bill is a shining example of what is wrong with the 104th Congress. The Resources Committee held one hearing on two bills, on short notice last Friday when most Members had plans and had left for their districts. There was no markup session and we have had no opportunity to offer amendments or refine the measure. Such a process makes a mockery of the legislative process. In addition, by pushing this bill through without proper deliberation, the new majority seems to imply that government shutdowns will be the norm. The Congress, rather than placing a band aid on the problem, ought to be busy working to avert the injury by enacting the regular appropriation measure or if we fail in that, a continuing resolution to avert the problem.

Are we going to have to enact a series of separate measures for all Federal programs short of funds, for Social Security claims to be processed, and another for passport services, and many others until we have hundreds of laws for every possible contingency resulting from preventable Federal shutdowns? We could replicate the entire Federal code for funding shortfalls and contract out the services to the States in toto. Mr. Speaker, our Nation faces serious budget constraints, declining incomes and security for working people, and many grave concerns. This measure, H.R. 2677, is make-work legislating, creating additional problems just so we can solve them with bills like the one before us today. I urge the defeat of H.R. 2677. We should reaffirm our support for a host of laws already on the books.

This measure, beyond the misguided and misdirected congressional focus, could have profound impact on the legislative branch of the Federal Government. H.R. 2677 provides a blueprint and an engraved invitation for the executive to sidestep congressional authority to control spending, the purse strings, and the land use policy of the Federal Government. Ironically, Congress has always been very careful to guard land use policy as well, avoiding the frequent requests for administrative flexibility. Congress and its committees have properly asserted an effective role in land use questions and most certainly in the designation and operation of our crown jewels, the park units.

This measure, H.R. 2677, undercuts and weakens congressional control of the funding and budget control. In weeks past, the Republican majority has loudly protested Secretary of Treasury Rubin's authority to borrow and finance from specific accounts to avert default and expand the debt ceiling borrowing capacity of the Federal Government. My question is what way do you want it? Do you want to take away the power of the executive branch on debt ceiling and existing borrowing authority or expand the ability of the executive to avoid the shutdown of the Federal non-exempt entities?

Congress is moving onto a slippery slope when it begins to move land use functions to the States. Frankly, this Congress has just defeated studies, policy measures, even to consider changing the management authority and designation of parks, H.R. 260. Now we are about to back into an ad hoc assumption by States of selected National Park management, especially parks that would not even be considered for a change of management.

This year our Committee on Resources has repeatedly held hearings and heard proposals to strip National Park designation from our parks. Beyond these events, repeated proposals have been introduced to force the Federal Government to transfer public domain lands or prevent the Federal Government from asserting its rights as regards such Federal lands.

Repeatedly as the issues are raised and become instantly controversial, the Republican majority denies any involvement. But just the reading of the hearing record from this measure reflects the radical and extreme views espoused by my colleagues. It is the true and factual source of many of these assertions that engender such serious concern.

Mr. Speaker, this bill solves no problem. In fact, it is a detour on the path to a solution. It needlessly distracts and is harmful to the interests and prerogatives of Congress. It is certain to raise yet more controversy and misunderstandings. H.R. 2677 is a waste of energy and time when we should be resolving our problems of appropriations, not concocting schemes to shroud them within. This lack of funding cannot be wished away or solved without real funding. Let's defeat this bill and get back to work.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 2677. It seems to me this is a common sense bill that the American people are crying out for and we hear such silliness here on the floor. The National Parks and National Wildlife Refuge System Freedom Act of 1995 addressed a simple problem, but a problem that can be very severe.

In my State of Arizona, during the last shutdown, we had a tragedy, actually we had many tragedies. People who make their livelihood off the national park were devastated. People would who wanted to visit one of the 7 Wonders of the World, the Grand Canyon, were told they could not do so. And why were they told that? They were told that because the premise is that unless you have a Federal employee employed by the Federal Government standing at your side, you cannot enjoy, indeed, the Federal Government will prohibit you from enjoying the grandeur of the Grand Canyon.

There is nothing more absurd in my lifetime than that notion. The shutdown of the Grand Canyon National Park was itself politics that hurt the American people. At no time in the history of this Nation should politics or political posturing be allowed to injure the American people as they did in that shutdown.

Yet let me bring you a statistic. In the 32 times that the Government has shut down in the last 2 decades, the National Park Service has not once told a private concessionaire that it had to leech the park. Now, ask yourself why did it do it this time? Why did the Government insist that this time concessionaires in private parks must leave the park? I submit to you it was political posturing.

When we asked in the hearing held last Friday the Federal Department of Interior officials the answer to that, their answer was a fascinating one. It was that well, if the shutdown had lasted only 2 days, one could fudge the Anti-deficiency Act. But if it lasted 3 days, one could not.

Now, I asked them to find and their lawyers to find the language in the Anti-deficiency Act which says you can fudge a shutdown for 2 or 3 days, but you cannot fudge it for 3 or 4 days. They could not do it.

There is a tragedy here, a tragedy of arrogance, arrogance at the Federal level. The notion which we have heard on the floor today that the American

people should be denied the right and visitors from across this Nation and visitors from around this world who have traveled thousands of miles to visit the Grand Canyon, indeed, one of the 7 Wonders of the World, should be sent away because a Federal bureaucrat is not there to stand beside them as they stand at Mather Point and try to absorb the beauty of the Grand Canyon.

The Governor of my State, Governor Symington, came forward with a simple, common sense idea. He said while you all posture in Washington, let me in the State of Arizona run that park. I take great umbrage at the words said on this floor moments ago that the State of Arizona could not run the park well because it has only 200 employees. Such arrogance at the Federal level is offensive. This bill should pass. I urge my colleagues to support it.

Mr. MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me time.

The previous speaker, of course, talks about arrogance, he talks about posturing, he talks about politics. In 5 seconds we could preclude all of that happening by a simple continuing resolution that says the Republican leadership has not been able to do the job of passing appropriation bills. But we will pass a continuing resolution.

We did it very briefly when you decided it was time to do it. We did it very briefly the time before that when you decided to do it. This whole business of shutting down parks and anything else is political posturing. I called it terrorist tactics, as you may recall, previously. The fact of the matter is I rise in opposition to this legislation which would allow State employees to replace Federal employees during any future Government shutdowns.

While I hope the Republican leadership will not force us into another shutdown, I ask that they stop pretending that shutdowns affect only those programs you do not like. If we like them, well, we ought to fund them. If we do not like them, clearly the State officials in Arizona were concerned about the impact of the closure of the Grand Canyon. I think all of us would agree with that.

On a lesser scale, officials in my own State were concerned about the impact of closure of Green Belt National Park, Catoctin Mountain Park, Fort McHenry and the Smithsonian, which had an obvious impact on tourism in the Maryland suburbs. The Speaker and the leadership would like the American people to think that these national assets can keep going even while they close down the Government, the parts they do not like.

Last week in the Subcommittee on Civil Service, Social Security Commissioner Chater was questioned about why she did not retain more employees to keep critical services moving ahead. My Republican friends must learn you cannot have it both ways. You cannot deliberately shut down the Government and then use backdoor methods to keep open agencies in operation that happen to be especially popular.

In addition to raising a number of serious legal and management questions, this legislation is yet another attack on Federal workers. While many of our parks rely on volunteer help, it is outrageous to suggest that State workers with many other duties to fulfill can instantly qualify to manage our parks and national wildlife refuges.

The Patuxent Wildlife Research Center in my district is renowned for its work with endangered species. I do not believe any volunteer, frankly, without training could come in and operate it. If the leadership is serious about keeping our parks open, if the leadership is serious about keeping our parks open, they ought to do what they should have done by October 1, pass the appropriation bills that the President can accept. If the Republicans are serious about keeping Social Security functioning, they ought to pass a Labor-Health appropriations measure that the President can sign.

Today is December 12 and the leadership has not even brought a bill to the floor in the Senate on this issue. Some 50,000 employees, they are not national parks, but they are people who need programs to make sure that they have housing, make sure that they can eat, make sure their kids can get Head Start programs and other things that may not be as important as seeing the 7th Wonder of the World, but they are important to some.

□ 1645

I urge the House to reject this measure and keep the pressure on the Republican leadership to take their responsibilities seriously. Do not shut down Government.

BOB DOLE said we ought not to do it, and he is right. And it will take 5 seconds. A unanimous consent to do a continuing resolution to continue the inexistence continuing resolution offered by the Republican leadership just days ago and say that it will go until January 26 or 30. Five seconds and this problem would be eliminated.

Why does it exist? Political posturing.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, before I yield to the gentleman from Arizona, to say that we have just heard one of the most partisan presentations for a subject the gentleman knows nothing about.

It is very, very disturbing to me that before this, this was a debate about refuges and parks and the ability to keep them open to the taxpayer. And it disturbs me, as I have said before, that I have been here long enough to remember before we had these television cameras. If Members want to play the television, that is fine, but we are trying to solve a problem.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Speaker, I simply want to briefly respond to the remarks we have just heard. The notion that is posited here that this is a one-sided problem, that, indeed, only one party can be blamed for the budgetary impasse that we have before the Nation right now, nothing could be further from the truth.

The simple truth lies in the words which were used. Pass a bill the President can accept. It is a simple proposition. No measure passes this Congress without the votes to pass it, but it does not become law until the President also signs. The budget impasse we face today is of equal burden and falls upon both parties.

I have a discussion with my staffers when I hire them. There are two kinds of people in the world, those who look for ways to solve problems and those who look for excuses why they cannot be solved. What we have heard today is that there is an acknowledged problem. We have a budget impasse. The other side of the aisle says here are excuses why we cannot solve the problem. Our side says we can find a solution. This bill is the solution.

I simply want to add a dimension of the problem. This is a letter written by Susan Morley of Flagstaff, Arizona. It details how her husband died in 1992 of cancer at the age of 41. He asked his ashes to distributed at Ribbon Falls in the Grand Canyon, and then there was scheduled this year a family reunion of their entire family from across the Nation to visit Ribbon Falls in his memory. They were denied the right to do that, and she details in here her 13-year-old crying because she could not go to Ribbon Falls to celebrate her father's passing and his memory because of the Federal Government shutdown.

There is a way to solve this problem and not to look for excuses. It is in this bill. I urge its passage.

Mr. MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

My purpose was not to be partisan in presentation, as is alleged by the chairman, my good friend, the chairman of the committee. My purpose was to say that there is a very simple way to get out of this perceived problem, and that is to say, yes, we have differences, they are substantive differences, and we are debating them, and we will go on debating them for probably weeks to come because there is substantial disagreement within your party and between the President and the Congress.

The simple way to do it is to say we do not intend to shut down the parks or other aspects of Government. The fact of the matter is, we are going to operate Government while we debate these issues.

I would say to the gentleman that that was my point. I think it is a valid point on this bill and others like it that seek to accept certain portions as opposed to making sure that the Government continues to operate.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, this is not the solution, this is a coverup in terms of what the real solution is. The real solution is passing the Interior appropriations bill.

Mr. YOUNG of Alaska. Mr. Speaker, how much time do the parties have left?

The SPEAKER pro tempore (Mr. EWING). The gentleman from Alaska [Mr. YOUNG] has 2½ minutes, and the gentleman from California [Mr. MILLER] has 4 minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, I have reserved the right to close, I believe, but I yield myself such time as I may consume to suggest if the gentleman had reached his point and not added all the little adjectives to it, I would have been much happier.

I will not disagree with some of the things he says, but I would suggest when he brings in the other appropriations bills, brings my leadership into question, when this is a two-party street, why did the gentleman not mention the President? That is all I suggested.

It means a great deal to me that we solve this problem of refuges and parks. And I hope on that side of the aisle, I hope Members understand if they vote against this bill what they are doing. It is not my fault, it may not be my colleagues' fault, but we are allowing the Secretary for the first time in history to deprive our taxpayers of the utilization of our refuges and parks, and tell me that is not political.

When Secretary Babbitt will run down and campaign in every district that has a Republican, and he has done that, and I have that documented, that is politics. I am tired of politics on this floor. I want to keep the parks open and the refuges open, because that is the taxpayer's right.

If my colleagues want to play politics, we will play politics. But let us leave this part of it out. This is for the parks and the refuges.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Grand Canyon was not closed because of the failure of the budgetary process. the Grand Canyon was closed because the Republican party, which numbers 234 in this House, has not passed an appropriations bill for the Department of the Interior. And the fact of the matter is, that bill was to be passed on October 1 and it is December 12 and it still has not passed. They brought it to the House twice and it was rejected on a bipartisan basis, overwhelmingly rejected because of its extreme nature.

The Republicans are looking for someone to point a finger at and someone to blame. They ought to take some personal responsibility. They have failed to pass the appropriations bill. If the appropriations bill was passed, then the Grand Canyon would be treated by those other agencies of the Federal Government whose bills were passed and they were not affected by the shutdown. But the Republicans have failed and now they want to blame somebody. They are not going to get away with it.

Pass the appropriations bill and pass a bill that, yes, is acceptable to the President of the United States and to the people of this country. That is not what the Republicans have been serving up on the floor of this House, and that is why they have been repudiated twice. Because the people of this country are not going to sacrifice these resources so that the Republicans can open them up some emergency basis.

Mr. Speaker, I know it is a cliche, but we often talk about the defendant that killed his parents and then threw himself on the mercy of the court because he was an orphan. The Republicans here have failed to deliver a bill in a timely fashion. The fact is they have failed, I believe, to deliver every appropriations bill in a timely fashion for, I believe, the first time in modern history in this Congress. And the fact of the matter is that is why the Government was shut down. That is separate from the budgetary process.

Mr. Speaker, the fact of the matter is, we did not have a continuing resolution because the Republican leader, the Speaker of the House, threw a tantrum, and that tantrum resulted in tens of thousands of Federal employees being thrown out of work, and millions of Americans being disappointed, whether they were trying to bury their family in veterans cemeteries or at Ribbon Falls. But that happened for a single reason; because the Republican majority in this House failed to meet the mandates of the laws. It is just that simple. It is just that simple.

If the budget talks collapse tomorrow or the next day or next year, if the Republicans pass the appropriations bill, then those people will not be disappointed and those people will not be punished who are employees and those who wish to take advantage of the services of the Federal Government. So they have cooked up this bill. They have cooked up this bill to cover this trail. This is dragging the tree limbs behind the horse so maybe the people who are following this will not know where they are going. They know exactly where they are going.

The Republicans are planning to shut down the Government again. They are anticipating it, which suggests maybe the good faith bargaining everybody talks about is not taking place, and at the same time they are trying to cover up for the mistakes they made in the past. They were so excited to shut down the Federal Government, they did it prematurely. They did it before there was any controversy. But they went ahead and shut it down, and the American people said what the hell are they doing. This does not make sense. We have not even arrived at the point where we have a serious controversy.

So now they are coming back from that position that they found was so unpopular with the American public, and now they are trying to pretend they are doing something to deal with it. The Republicans can deal with this. Pass the Interior appropriations bill. But if the Republicans are going to load it up, as they have in the past, with a lot of provisions to destroy the forest and destroy the wild lands of this country, it will not be acceptable, and the President is not going to sign it, and they will, again, have enabled people to shut down the Government of this country because of their own failures to meet their deadlines and to meet the guidelines and the laws of this country.

Mr. Speaker, the only reason we are here today with H.R. 2677 is that the Republican majority failed to do its job and pass an acceptable appropriations bill to fund our national parks and wildlife refuges.

The majority has twice failed to generate sufficient votes to pass its own Interior bill. And now, to cover the tracks of that failure, they have cooked up this specious and absurd piece of legislation. Let us be clear: This bill is nothing but camouflage to conceal the Republican leadership's failure to do its job.

H.R. 2766 has been titled the "National Park and Wildlife Refuge Systems Freedom Act of 1995". This bill does not free our national parks or refuges from anything. Instead, it raises more concerns than it answers, and it places our parks, and our citizens, at great risk.

Which parks or refuges would be opened in the event of a Government shut-down?

What services would be provided?

Who would be liable to accidents to visitors or damage to resources? Governor Symington of Arizona tells us he thinks Federal taxpayers should indemnify States for damages and injuries caused when States operate Federal facilities. An interesting feature of the new federalism!

If you are serious seeking the answers to these and other questions about this hastily developed bill, do not look to the Committee on Resources. We have held one, perfunctory hearing, on a day when the House was not even in session; multiple questions about the

bill went unanswered. We held no subcommittee mark up; no full committee mark up; there is no report on this bill.

And today, the House is being given no opportunity to amend this bill to address the many concerns and criticisms that have been raised about it.

H.R. 2677 is really a pretty poor solution to the Republican failure to provide an appropriations bill to fund our national parks and wildlife refuges. If you were really serious about this problem, we would be better off passing a law declaring all national park and wildlife refuge employees as emergency employees for the duration of a shutdown. Instead, you are going to have States determine what parks and refuges are open in a shutdown and what services will be provided. I note Governor Symington's offer to assist with Grand Canyon National Park, but what about Saguaro National Park, Petrified Forest National Park, or any of the 17 other national park units in Arizona? The Governor did not answer that one.

Let me tell you what this bill is really about.

It is not about keeping the parks open, because it is so poorly drafted and ill-conceived that no one seriously believes it is going to become law. It is polemics, not policy.

No, what this bill is about is the Republican leadership, who demanded that it be prematurely brought to the floor this week, wanting to immunize itself against charges that it shut down the national parks again because Republicans cannot figure out how to pass an Interior appropriations bill. And this bill is a little insurance policy, so they can go home and tell their disappointed constituents: "Oh, I didn't vote to close the parks. Those nasty Democrats did because they refused to pass H.R. 2677."

But the Republicans know, and the American people know, this bill could not become law in time for the possible shut-down this week, and so there is really no rush. It should be given much fuller consideration.

And last, let me mention that many of those who are promoting this bill are also advocates for turning over Federal lands, including protected national parks, to the States so that miners, loggers, and others can exploit them free from the management policies developed on behalf of all Americans by past Congresses.

H.R. 2677 has been conceived as a first step towards the dismantling of our parks, refuges, wilderness areas and other Federal lands. And that is exactly how passage of H.R. 2677 will be interpreted by its supporters.

Do not let the Republicans play dangerous political games with our national parks! Vote "no" on H.R. 2677.

Mr. YOUNG of Alaska. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman has 1½ minutes.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume to say that the gentleman that just spoke voted twice to recommit the bill. We brought a bill to the floor, an appropriations bill that could pass, to send to the President, and then if he vetoed it, we would know really where the differences lie. But the gentleman was in the minority. He was in the minority. And this House has not done its job because the minority says they know what is best for the majority.

The minority will have an opportunity this week to vote on the same bill. Hopefully, it will pass and it will go to the President and he will probably veto it. Then that is in his ballpark. But the big thing right now is, again, I want to stress that for the first time in history this Secretary, the arrogance of this individual, has taken away the rights of the American people.

All this bill does is say if a State wishes to do so, in the case of a conflict between the Congress and the President of the United States, they, in fact, can offer their services to keep these areas open for the general public.

Mr. Speaker, may I suggest, and correct the gentleman from California, that in 1987 the majority on that side passed, for a full year, 13 continuing resolutions for all 12 months for all 13 agencies. Do not tell me about the law. In fact, in 1974, when Mr. Carter was running around here, 1975 and 1976, in that period of time, 1978, I cannot remember all the years he has been there, each time they, in fact, passed continuing resolutions. They never met the time frame.

I have heard this argument again and again about the Republican party not doing this. The Democrats have failed miserably, and in the meantime put us $6 trillion in debt.

Mr. DINGELL. Mr. Speaker, I rise today in strong opposition to the bill before us. This bill would temporarily place the management of national parks and wildlife refuges under State control, and it raise several concerns. First, as author of the underlying legislation for the National Wildlife Refuge System, I have long opposed any giveaways in Federal authority to the States.

These lands belong to the people of the United States—not any one State, and they must be managed according to the purposes established through Federal legislation.

Second, as a long-time hunter, I, too, wish to see the refuges remain open. There is a simple way to achieve this, and one which the majority has twice failed to do by bringing an appropriations bill to this floor which is so extreme that it cannot pass. The Interior appropriations bill is over 2 months late.

Third, there are unresolved questions about the liability and other matters when the Federal Government hands over the keys of these treasures to the States.

The majority is right! It is irresponsible to close down our national parks and the refuge system. It is a shame that we are facing a second Government shutdown later this week because the majority is unable to pass a reasonable funding bill for parks and refuges.

Now I must say that I have the most respect for the chairman of the Resources Committee, with whom I have worked diligently to assemble a bill which will make improvements in our Refuge System. H.R. 2677 is bad legislation which goes against those things which Chairman YOUNG and I are trying to achieve with legislative reforms to improve our refuges, and does so to try to carve out exemptions for hunters.

As a hunter, I want refuges open. As a legislator, I want good legislation for our refuge system. H.R. 2677 might be good politics, but it is terrible policy. I urge defeat of this bill.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 2677, as amended.

The question was taken.

Mr. VENTO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1700

FEDERAL TRADEMARK DILUTION ACT OF 1995

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1295) to amend the Trademark Act of 1946 to make certain revisions relating to the protection of famous marks, as amended.

The Clerk read as follows:

H.R. 1295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Trademark Dilution Act of 1995".

SEC. 2. REFERENCE TO THE TRADEMARK ACT OF 1946.

For purposes of this Act, the Act entitled "An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 and following), shall be referred to as the "Trademark Act of 1946".

SEC. 3. REMEDIES FOR DILUTION OF FAMOUS MARKS.

(a) REMEDIES.—Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended by adding at the end the following new subsection:

"(c)(1) The owner of a famous mark shall be entitled, subject to the principles of equity and upon such terms as the court deems reasonable, to an injunction against another person's commercial use in commerce of a mark or trade name, if such use begins after the mark has become famous and causes dilution of the distinctive quality of the mark, and to obtain such other relief as is provided in this subsection. In determining whether a mark is distinctive and famous, a court may consider factors such as, but not limited to—

"(A) the degree of inherent or acquired distinctiveness of the mark;

"(B) the duration and extent of use of the mark in connection with the goods or services with which the mark is used;

"(C) the duration and extent of advertising and publicity of the mark;

"(D) the geographical extent of the trading area in which the mark is used;

"(E) the channels of trade for the goods or services with which the mark is used;

"(F) the degree of recognition of the mark in the trading areas and channels of trade used by the marks' owner and the person against whom the injunction is sought;

"(G) the nature and extent of use of the same or similar marks by third parties; and

"(H) whether the mark was registered under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register.

"(2) In an action brought under this subsection, the owner of the famous mark shall be entitled only to injunctive relief unless the person against whom the injunction is sought willfully intended to trade on the owner's reputation or to cause dilution of the famous mark. If such willful intent is proven, the owner of the famous mark shall also be entitled to the remedies set forth in sections 35(a) and 36, subject to the discretion of the court and the principles of equity.

"(3) The ownership by a person of a valid registration under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register shall be a complete bar to an action against that person, with respect to that mark, that is brought by another person under the common law or a statute of a State and that seeks to prevent dilution of the distinctiveness of a mark, label, or form of advertisement.

"(4) The following shall not be actionable under this section:

"(A) Fair use of a famous mark by another person in comparative commercial advertising or promotion to identify the competing goods or services of the owner of the famous mark.

"(B) Noncommercial use of a mark.

"(C) All forms of news reporting and news commentary.".

(b) CONFORMING AMENDMENT.—The heading for title VIII of the Trademark Act of 1946 is amended by striking "AND FALSE DESCRIPTIONS" and inserting ", FALSE DESCRIPTIONS, AND DILUTION".

SEC. 4. DEFINITION.

Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by inserting after the paragraph defining when a mark shall be deemed to be "abandoned" the following:

"The term 'dilution' means the lessening of the capacity of a famous mark to identify and distinguish goods or services, regardless of the presence or absence of—

"(1) competition between the owner of the famous mark and other parties, or

"(2) likelihood of confusion, mistake, or deception.".

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes, and the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1295, the Federal Trademark Dilution Act of 1995 and I would like to commend the gentlewoman from Colorado [Mrs. SCHROEDER], the ranking member of the Subcommittee on Courts and Intellectual Property for all of her hard work on this issue.

Mr. Speaker, this bill is designed to protect famous trademarks from subsequent uses that blur the distinctiveness of the mark or tarnish or disparage it, even in the absence of a likelihood of confusion. Thus, for example, the use of DuPont shoes, Buick aspirin, and Kodak pianos would be actionable under this bill.

The concept of dilution dates as far back as 1927, when the Harvard Law Review published an article by Frank I. Schecter in which it was argued that coined or unique trademarks should be protected from the "gradual whittling away of dispersion of the identity and hold upon the public mind" of the mark by its use on noncompeting goods. Today, approximately 25 States have laws that prohibit trademark dilution.

A Federal trademark dilution statute is necessary, because famous marks ordinarily are used on a nationwide basis and dilution protection is only available on a patch-quilt system of protection. Further, some courts are reluctant to grant nationwide injunctions for violation of State law where half of the States have no dilution law. Protection for famous marks should not depend on whether the forum where suit is filed has a dilution statute. This simply encourages forum-shopping and increases the amount of litigation.

H.R. 1295 would amend section 43 of the Trademark Act to add a new subsection (c) to provide protection against another's commercial use of a famous mark which result in dilution of such mark. The bill defines the term "dilution" to mean "the lessening of the capacity of registrant's mark to identify and distinguish goods or services of the presence or absence of (a) competition between the parties, or (b) likelihood of confusion, mistake, or deception."

The proposal adequately addresses legitimate first amendment concerns espoused by the broadcasting industry and the media. The bill would not prohibit or threaten noncommercial expression, such as parody, satire, editorial, and other forms of expression that are not a part of a commercial transaction. The bill includes specific language exempting from liability the "fair use" of a mark in the context of comparative commercial advertising or promotion and all forms of news reporting and news commentary.

The legislation sets forth a number of specific criteria in determining whether a mark has acquired the level of distinctiveness to be considered famous. These criteria include: First, the degree of inherent or acquired distinctiveness of the mark; second, the duration and extent of the use of the mark; and third, the geographical extent of the trading area in which the mark is used.

With respect to remedies, the bill limits the relief a court could award to an injunction unless the wrongdoer willfully intended to trade on the trademark owner's reputation or to cause dilution, in which case other remedies under the Trademark Act become available. The ownership of a valid Federal registration would act as a complete bar to a dilution action brought under State law.

Mr. Speaker, H.R. 1295 is strongly supported by the U.S. Patent and Trademark Office, the International Trademark Association; the American Bar Association; Time Warner; the Campbell Soup Co.; the Samsonite Corp., and many other U.S. companies, small businesses, and individuals. It is solid legislation and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join the Intellectual Property Subcommittee chairman, the gentleman from California, in support of H.R. 1295, the Trademark Dilution Act. In particular, I am pleased that the bill before us today includes an amendment I offered in subcommittee to extend the Federal remedy against trademark dilution to unregistered as well as registered famous marks.

At our hearing on H.R. 1295, the administration made a compelling case that limiting the Federal remedy against trademark dilution to those famous marks that are registered is not within the spirit of the United States position as a leader setting the standards for strong worldwide protection of intellectual property. Such a limitation would undercut the United States' position with our trading partners, which is that famous marks should be protected regardless of whether the marks are registered in the country where protection is sought.

In all of our work this year, the Intellectual Property Subcommittee has been strongly committed to making sure that the United States is a leader in setting high standards worldwide for the protection of intellectual property. This bill is fully within that tradition, and will strengthen our hand in our negotiations with our trading partners.

It is also important to recognize, as the Patent and Trademark Office pointed out in its testimony, that existing precedent does not distinguish between registered and unregistered marks in determining whether a mark is entitled to protection as a famous mark. To the extent that dilution has been a remedy available to the owner of a trademark or service mark in the United States under State statutes and the common law, that remedy has not been limited only to registered marks. So it really doesn't make any sense, if

we are going to create a Federal statute on trademark dilution, to limit the remedy to registered marks.

For these reasons, I am happy that the bill before us today includes a strong Federal remedy for trademark dilution, not only with respect to registered marks, but also with respect to unregistered famous marks. I urge my colleagues to support this bill.

Mr. Speaker, I have no further speakers on this bill, so I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion of the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 1295, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ENHANCING FAIRNESS IN COMPENSATING OWNERS OF PATENTS USED BY THE UNITED STATES

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 632) to enhance fairness in compensating owners of patents used by the United States, as amended.

The Clerk read as follows:

H.R. 632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JUST COMPENSATION.

(a) AMENDMENT.—Section 1498(a) of title 28, United States Code, is amended by adding at the end of the first paragraph the following: "Reasonable and entire compensation shall include the owner's reasonable costs, including reasonable fees for expert witnesses and attorneys, in pursuing the action if the owner is an independent inventor, a nonprofit organization, or an entity that had no more than 500 employees at any time during the 5-year period preceding the use or manufacture of the patented invention by or for the United States. Reasonable and entire compensation described in the preceding sentence shall not be paid from amounts available under section 1304 of title 31, but shall be payable subject to such extent or in such amounts as are provided in annual appropriations Acts.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to actions under section 1498(a) of title 28, United States Code, that are pending on, or brought on or after, January 1, 1995.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes, and the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 632, a bill to enhance fairness in compensating owners of patents used by the United States. I ask unanimous consent to revise and extend my remarks and yield myself as much time as I may consume. An amended version of this bill is presented for passage under suspension of the rules. The amendment to the reported bill reflects technical changes which conform to suggestions given after consideration of the bill by the Committee on the Budget.

I would like to thank the ranking member of the Subcommittee on Courts and Intellectual Property, the gentlewoman from Colorado [Mrs. SCHROEDER], for her efforts in bringing this bill before the subcommittee and for her work on the important issue of attorney's fees in patent cases brought against the United States. I would also like to thank the gentleman from Texas [Mr. FROST] for introducing this bill. It was brought to light by one of his constituents, Standard Manufacturing Co. His and Mrs. SCHROEDER's willingness to work on a bipartisan basis to bring this bill to the floor has resulted in a careful and narrow bill specifically addressing the problem at hand. So I congratulate the gentleman from Texas [Mr. FROST] and gentlewoman from Colorado [Mrs. SCHROEDER] for their effort and cooperation.

H.R. 632 is an effort to help small businesses recover some of the legal costs associated with defending their patents when the Federal Government takes and uses them, since small businesses many times cannot afford expensive legal defense fees associated with defending their patents against Government expropriation. The bill applies to patent owners who are independent inventors, nonprofit organizations, or entities with less than 500 employees.

As the law stands, damages do not include attorney's fees and costs. H.R. 632 is a fee-shifting statute that will reimburse a plaintiff's reasonable cost of bringing suit when the Government takes its patent. Congress has already provided for fee-shifting in other property takings cases. This bill extends that concept to patent cases, where a plaintiff's intellectual property has been taken.

This bill is consistent with the legal reform provisions of the Contract With America by extending the loser pays rule to cases where a patent owner is forced to litigate to recover for the infringement of his or her patent. It complements legislation I introduced, H.R. 988, which passed the House last spring, in extending the rule of fairness to cases where the Government is held liable. An identical bill, S. 880, has been introduced in the Senate by Senator KAY BAILEY HUTCHISON.

I urge my colleagues to vote in favor of this bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the subcommittee chairman in supporting H.R. 632. This bill is critical to the protection of the property rights of the independent inventor, nonprofit organizations, and small businesses.

Current law provides for a patent owner to receive "reasonable and entire compensation" whenever an invention covered by a patent is used or manufactured by or for the United States without license of the owner or without lawful right. But if the patent owner has to bear the costs of litigation to recover compensation for the Government's use of its patent, the owner really isn't getting entire compensation. That is the gap that this legislation will fill.

This bill doesn't just serve to protect the property rights of the private property owner, however; it also ultimately serves the interests of the U.S. Government. Without this bill, companies have little incentive to spend their intellectual resources to help the Government solve its technical problems. As a member of the National Security Committee, I am well aware of some of the circumstances where companies can help us solve technical problems and thus add to our military capabilities, and this bill will be of great help in that regard.

I thank the subcommittee chairman, the gentleman from California, for his efforts on behalf of this bill. I urge my colleagues to support this important bill protecting the property rights of patent owners.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. FROST].

Mr. Speaker, the gentleman is the primary sponsor of this bill, and he has been absolutely dogged in pursuing this. I congratulate him for persevering and I congratulate him on what I think will soon be a victory on this bill. I think all Members will be very happy to have this behind us.

Mr. FROST. Mr. Speaker, first of all, I would like to thank the gentleman from California [Mr. MOORHEAD] and the gentlewoman from Colorado [Mrs. SCHROEDER] for bringing this bill to the floor and for moving it forward at this

time. I sincerely appreciate their efforts on behalf of this piece of legislation.

Mr. Speaker, I rise in support of H.R. 632, a bill long overdue for inventors and small businesses in this country. H.R. 632 will enhance fairness in compensating owners of patents that were used by the U.S. Government.

Inventors whose patents are taken for use by the Federal Government have only one way to obtain payment—they are compelled by statute to bring a lawsuit against the Government to recover their fair compensation. Because of the lack of explicit language in the current statute, they are forced to bear all the costs of the lawsuit even when they win their case. Many small inventors and businesses have been unfairly hurt by this situation. H.R. 632 will permit such inventors to be reimbursed for their reasonable costs.

This bill would expressly authorize the recovery of reasonable costs by a small business or inventor who is forced by statute to litigate against the Government in order to obtain compensation. In each case, though, the costs would be scrutinized by the Claims Court to assure that they were reasonable, but to the extent they were reasonable, they could be recovered.

This problem should have been corrected long ago—when it first became apparent that court interpretations would not permit inventors to obtain a complete recovery. To continue this inequity would be a serious disservice to some of our most productive inventors in fundamentally important industries. We need to be fair with those inventors in order to encourage innovation and make our country more competitive. H.R. 632 would help assure the necessary fairness.

I urge my colleagues to join me today fixing this inequity and support H.R. 632.

□ 1715

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 632, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 632, the bill just passed.

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The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SEXUAL CRIMES AGAINST CHILDREN PREVENTION ACT OF 1995

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1240) to combat crime by enhancing the penalties for certain sexual crimes against children, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sex Crimes Against Children Prevention Act of 1995".

SEC. 2. INCREASED PENALTIES FOR CERTAIN CONDUCT INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.

The United States Sentencing Commission shall amend the sentencing guidelines to—

(1) increase the base offense level for an offense under section 2251 of title 18, United States Code, by at lest 2 levels; and

(2) increase the base offense level for an offense under section 2252 of title 18, United States Code, by at least 2 levels.

SEC. 3. INCREASED PENALTIES FOR USE OF COMPUTERS IN SEXUAL EXPLOITATION OF CHILDREN.

The United States Sentencing Commission shall amend the sentencing guidelines to increase the base offense level by at least 2 levels for an offense committed under section 2251(c)(1)(A) or 2252(a) of title 18, United States Code, if a computer was used to transmit the notice or advertisement to the intended recipient or to transport or ship the visual depiction.

SEC 4. INCREASED PENALTIES FOR TRANSPORTATION OF CHILDREN WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.

The United States Sentencing Commission shall amend the sentencing guidelines to increase the base offense level for an offense under section 2423(a) of title 18, United States Code, by at least 3 levels.

SEC. 5. TECHNICAL CORRECTION.

Section 2423(b) of title 18, United States Code, is amended by striking "2245" and inserting "2246".

SEC. 6. REPORT BY THE UNITED STATES SENTENCING COMMISSION.

Not later than 180 days after the date of the enactment of this Act, the United States Sentencing Commission shall submit a report to Congress concerning offenses involving child pornography and other sex offenses against children. The Commission shall include in the report—

(1) an analysis of the sentences imposed for offenses under sections 2251, 2252, and 2423 of title 18, United States Code, and recommendations regarding any modifications to the sentencing guidelines that may be appropriate with respect to those offenses;

(2) an analysis of the sentences imposed for offenses under sections 2241, 2242, 2243, and 2244 of title 18, United States Code, in cases in which the victim was under the age of 18 years, and recommendations regarding any modifications to the sentencing guidelines that may be appropriate with respect to those offenses;

(3) an analysis of the type of substantial assistance that courts have recognized as warranting a downward departure from the sentencing guidelines relating to offenses under section 2251 or 2252 of title 18, United States Code;

(4) a survey of the recidivism rate for offenders convicted of committing sex crimes against children, an analysis of the impact on recidivism of sexual abuse treatment provided during or after incarceration or both, and an analysis of whether increased penalties would reduce recidivism for those crimes; and

(5) such other recommendations with respect to the offenses described in this section as the Commission deems appropriate.

Mr. MCCOLLUM (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. WATT of North Carolina. Mr. Speaker, reserving the right to object, I hope I do not have to object, and I yield to the gentleman from Florida [Mr. MCCOLLUM] to explain to us what is going on here.

Mr. MCCOLLUM. Mr. Speaker, we are waiving the right at the moment for the reading of the amendment. The gentleman from New York [Mr. SCHUMER] is going to reserve the right to object to the bill and we will discuss the bill. Right now we are just waiving the reading of Senate amendment.

Mr. WATT of North Carolina. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Florida?

Mr. SCHUMER. Mr. Speaker, reserving the right to object, I will not object. I yield to the gentleman from Florida [Mr. MCCOLLUM] to explain the purpose of the request.

Mr. MCCOLLUM. Mr. Speaker, this bill strengthens the punishment for sexual crimes involving children by directing the United States Sentencing Commission to make specific modifications to its sentencing guidelines with respect to these crimes. The House passed this bill last April by a vote of 417–0. The other body has also passed this legislation, but in a slightly different form. On behalf of the Crime Subcommittee, I am satisfied that the changes made in the other body actually strengthen the bill and I have no objection to them.

Accordingly, I bring the bill to the floor today for the purpose of agreeing to the Senate amendment to the bill and to send it to the President for his prompt signature.

Mr. SCHUMER. Mr. Speaker, continuing my reservation of objection, I

rise in support of the legislation. I commend the gentleman for proceeding with this bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Florida?

Mr. WATT of North Carolina. Mr. Speaker, reserving the right to object, I will not object. I want to make sure I understand what the Senate amendment does.

I yield to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, it is a very technical change of the time that is involved in this. I do not have it in front of me.

Mr. WATT of North Carolina. Mr. Speaker, continuing my reservation of objection, it seems to me that we deserve to know what we are voting on.

Mr. MCCOLLUM. Mr. Speaker, if the gentleman will continue to yield, it changes the short title of the bill, is my understanding. It expands the increased penalties for possession of child pornography.

Mr. WATT of North Carolina. Mr. Speaker, it actually expands the bill that we passed?

Mr. MCCOLLUM. Mr. Speaker, by a very slight amount, in the actual definitions that are involved, child pornography, as far as the penalties are concerned.

Mr. WATT of North Carolina. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, as I understand it, and the gentleman from Florida can correct me if I am wrong, there are three changes. Two are very technical. They change the short title of the bill; that is one. The second takes two sentences and makes it into one run-on sentence, which is characteristic of the other body on occasion. And the third one, which is the more serious change, although also technical, makes possession of such pornographic materials subject to the penalty as well as trafficking in them.

Mr. WATT of North Carolina. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Florida?

There was no objection.

A motion to reconsider was laid on the table.

DNA IDENTIFICATION GRANTS IMPROVEMENT ACT OF 1995

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2418) to improve the capability to analyze deoxyribonucleic acid, as amended.

The Clerk read as follows:

H.R. 2418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "DNA Identification Grants Improvement Act of 1995".

SEC. 2. DNA IDENTIFICATION GRANTS.

Paragraph (22) of section 1001(a) of the Omnibus Crime Control and Safe Streets Act is amended to read as follows:

"(22) There are authorized to be appropriated to carry out part X—

"(A) $1,000,000 for fiscal year 1996;

"(B) $15,000,000 for fiscal year 1997;

"(C) $14,000,000 for fiscal year 1998;

"(D) $6,000,000 for fiscal year 1999; and

"(E) $4,000,000 for fiscal year 2000.".

SEC. 3. RESTRICTION ON GRANT USE.

Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 is amended by adding at the end the following:

"(d) DNA PROFILES PROHIBITED.—In no event shall DNA identification records contained in this index be compiled or analyzed in order to formulate statistical profiles for use in predicting criminal behavior.".

SEC. 4. TECHNICAL AMENDMENT.

Effective on the date of the enactment of the Violent Crime Control and Law Enforcement Act of 1994, section 210302(c)(3) of such Act is amended by inserting "(a)" after "Section 1001" and after "3793".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from New York [Mr. SCHUMER] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I introduced this bill, the DNA Identification Grants Improvements Act of 1995, at the request of the FBI and the American Society of Crime Laboratory Directors.

Nearly everyone is aware by now of the tremendous utility of DNA identification to the Nation's criminal justice process. Some of the most horrendous crimes, the ones that scream out for justice, often involve few if any witnesses. Child abduction and violent sexual assaults are just two categories of crimes in which the identification of the perpetrator and proof of the crime is extremely difficult. DNA has proven to be a useful tool in establishing investigative leads and as admissible evidence of the commission of a crime.

In addition, DNA analysis has proven to be a useful tool for those accused of committing crimes. In a limited number of cases, defendants have used DNA evidence to prove that they were not the perpetrators of particular crimes. Thus, the DNA identification process is a highly valuable, dual purpose, law enforcement tool.

This is why last year's crime bill, while containing several features I opposed, wisely included a provision to encourage and assist the development of DNA identification procedures. H.R. 2418 will reorder the funding levels of the DNA identification grants authorized in the bill. Those grants provide funding to the FBI to operate its combined DNA index system and to the States to develop and improve DNA testing. H.R. 2418 would merely reorder the amounts authorized to be made available to States over the next several fiscal years so that funds are available to States sooner than is authorized in current law. The total amount authorized is unchanged by this bill.

The FBI has requested that Congress front-load the funds to the States because of the significant start-up costs States incur in creating DNA testing programs and databases. As I have already stated, DNA analysis is an important and rapidly developing area of law enforcement. This bill will help States develop and implement DNA testing capabilities sooner. The result will be that more crimes will be solved, some who have been wrongly accused of crimes will be better able to prove their innocence, and many crimes will be solved sooner than would be the case without this bill.

I hope that in next year's appropriations bill for the Department of Justice, we will be able to fully fund this effort. I realize that there are many competing priorities, but I believe we must be equipping ourselves with the most effective technologies if we are going to cope with the coming storm of violent crime. I intend to work with the gentleman from Kentucky [Mr. ROGERS], who chairs the Commerce-Justice-State Appropriations Subcommittee, to secure the necessary funding.

I also want to point out that this bill contains a restriction on the use of the authorized funds with regard to the practice of criminal profiling. This language was offered successfully by the gentleman from North Carolina [Mr. WATT] in subcommittee. I supported this amendment because I agree with Mr. WATT as a matter of principle and because I am not aware of any attempts by law enforcement authorities to engage in the practice of using DNA data to identify genetic traits associated with criminal behavior. Such scientific endeavors may occur in other academic disciplines, but it is not the role of law enforcement authorities.

Mr. Speaker, I reserve the balance of my time.

Mr. SCHUMER. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this bill.

Mr. Speaker, this bill, as has been mentioned, amends the DNA grant program that was passed as part of the 1994 crime bill. The DNA grant program provides $40 million in grants to State and local law enforcement agencies to improve their ability to analyze DNA samples, and I am glad that the majority, in their headlong effort to repeal so many sensible parts of the crime bill, is still in favor of this one.

The bill makes a sensible adjustment in the schedule under which the funds will become available for the grant program. Since startup costs are heavier in the early years, it redistributes funding to those years tapering off toward the end of the program. It does not change the total amount of funds available and as the gentleman from Florida [Mr. MCCOLLUM] mentioned, it includes the amendment of the gentleman from North Carolina [Mr. WATT] about profiles using this DNA information.

DNA information can be a serious tool in crime fighting, and one of our goals in passing the 1994 crime bill was to help the localities do better in fighting crime but not just give them an empty-ended block grant that would let them do whatever they want with the money.

I do not want to get into the debate on the crime bill now. Well, I do, but I will not.

Mr. MCCOLLUM. Mr. Speaker, I reserve the balance of my time.

Mr. SCHUMER. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. WATT] distinguished member of our Subcommittee on Crime.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman from New York for yielding time to me.

I rise in reluctant opposition to this bill, not because I feel that what I say is going to influence anybody to vote against the bill.

When this DNA bank was set up several years ago, as I recall, I was one of two Members who voted against setting it up in the first place, and I doubt that there is any shift in the public sentiment on that issue since that time.

I thought it would be helpful to use a little bit of time today to at least educate my colleagues about this issue and the potential for abuse related to DNA. Every day there is a new breakthrough in DNA identification technology. But DNA technology can be a classic double-edged sword. It can cut either way, so to speak.

I think my colleagues need to understand that and understand why I insisted in committee on offering an amendment to inhibit the use of DNA information that we are collecting to establish profiles for criminal conduct or any other kind of conduct.

On the one hand, DNA can be used to identify people with the genetic predisposition for certain diseases, which can facilitate treatment. It can be used to prove the innocence of falsely accused persons and help set them free. Of course, the pending habeas corpus reforms which are coming out of the Committee on the Judiciary make such a release unlikely because even if under the habeas corpus reforms, even if you had DNA that conclusively, DNA results that conclusively found somebody not to have been the victim or not to have been the perpetrator of a crime, you still could not use that DNA for the purpose of getting the person out of jail. I do not think we are so intent on using DNA for positive purposes necessarily as much as we are intent on using it for negative purposes.

If DNA technology is allowed to develop without certain safeguards put in place, it could have very, very negative consequences. That is what I have raised the prospect of by offering this amendment in committee and having the committee adopt it.

I want to express my appreciation to the subcommittee chair for including the provision in the bill which makes it clear that the DNA information that the U.S. Government is collecting on our citizens cannot be used to set up criminal profiles that try to predict the propensity of a U.S. citizen to engage in criminal conduct.

□ 1730

I think that would be a dangerous, dangerous level of activity by the U.S. Government. But the reason I have some reservations about this, this bill, is that this DNA bank really is creating a bank of people's blood. If someone gets convicted of a crime, and they go to prison, their DNA is going into this DNA bank. Whether their blood is needed for proof of their guilt or innocence in the case for which they are being tried or not is irrelevant, and I think we have gone beyond the pale of invasion of individual rights when we start taking people's blood unrelated to the case that they are being prosecuted for, and I think in some cases we are abusing our individual rights of our citizens in this country.

The second concern that I have is that we really have not developed in this country a clear way of using DNA. There is a lot of debate, ongoing debate, in the public about how reliable DNA is, how probative it can be in criminal cases, how much of a determining factor it should be. I guess the classic case of that was in the O.J. Simpson case where people started to understand more and more the whole concept of DNA testimony in criminal cases.

Mr. Speaker, we have a long, long way to go in developing an understanding of the effective and reliable use of DNA as evidence in medicine, in criminal cases, the whole range of cases, and the thing that concerns me is that by spending $40 million we are getting ourselves way out in front of this issue before we have any reliable information about how this DNA information ought to be used.

The final point I want to make, and then I will sit down because I do not want to prolong this debate and I know that the outcome of this vote is already programmed, is that $40 million is a lot of money, and if I have the set priorities about how I were going to use $40 million, the establishment and the expansion of a Federal DNA bank and the granting of funds to States and local governments to further expand their DNA capacities, I would tell my colleagues would be way, way down on my list of priorities, and so in a sense I am concerned about the priorities we are setting by setting aside $40 million over this 4- or 5-year period to do this when we have such other critical needs in our country.

With that I will just leave this alone because again I know the outcome of the debate and the outcome of this vote. It would not be on the Suspension Calendar if a substantial number of people did not think this was noncontroversial, but I think we should understand that there is a level of controversy about the reliability of DNA testimony, the potential abuse of individual rights when we start taking the blood of people who, even though they have been convicted of some crime, even though their blood is not needed in that particular case, and we should always be concerned, when we are talking about spending the taxpayers' dollars, about the priorities we are setting for the Federal Government in the spending of those dollars.

Mr. SCHUMER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to make one comment. I want to remind everybody that this is simply a bill which would reorder the priorities of spending in legislation that has already become law. We are not enacting anything new here, but we are reordering the priorities.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 2418, as amended.

The question was taken.

Mr. WATT of North Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

CRIMINAL LAW TECHNICAL AMENDMENTS ACT OF 1995

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2538) to make clerical and technical amendments to title 18, United States Code, and other provisions of law relating to crime and criminal justice, as amended.

The Clerk read as follows:

H.R. 2538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Criminal Law Technical Amendments Act of 1995".

SEC. 2. GENERAL TECHNICAL AMENDMENTS.

(a) FURTHER CORRECTIONS TO MISLEADING FINE AMOUNTS AND RELATED TYPOGRAPHICAL ERRORS.—

(1) Sections 152, 153, 154, and 610 of title 18, United States Code, are each amended by striking "fined not more than $5,000" and inserting "fined under this title".

(2) Section 970(b) of title 18, United States Code, is amended by striking "fined not more than $500" and inserting "fined under this title".

(3) Sections 661, 1028(b), 1361, and 2701(b) of title 18, United States Code, are each amended by striking "fine of under" each place it appears and inserting "fine under".

(4) Section 3146(b)(1)(A)(iv) of title 18, United States Code, is amended by striking "a fined under this title" and inserting "a fine under this title".

(5) The section 1118 of title 18, United States Code, that was enacted by Public Law 103–333—

(A) is redesignated as section 1122; and

(B) is amended in subsection (c) by—

(i) inserting "under this title" after "fine"; and

(ii) striking "nor more than $20,000".

(6) The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1122. Protection against the human immunodeficiency virus.".

(7) Sections 1761(a) and 1762(b) of title 18, United States Code, are each amended by striking "fined not more than $50,000" and inserting "fined under this title".

(8) Sections 1821, 1851, 1852, 1853, 1854, 1905, 1916, 1918, 1991, 2115, 2116, 2191, 2192, 2194, 2199, 2234, 2235, and 2236 of title 18, United States Code, are each amended by striking "fined not more than $1,000" each place it appears and inserting "fined under this title".

(9) Section 1917 of title 18, United States Code, is amended by striking "fined not less than $100 nor more than $1,000" and inserting "fined under this title not less than $100".

(10) Section 1920 of title 18, United States Code, is amended—

(A) by striking "of not more than $250,000" and inserting "under this title"; and

(B) by striking "of not more than $100,000" and inserting "under this title".

(11) Section 2076 of title 18, United States Code, is amended by striking "fined not more than $1,000 or imprisoned not more than one year" and inserting "fined under this title or imprisoned not more than one year, or both".

(12) Section 597 of title 18, United States Code, is amended by striking "fined not more than $10,000" and inserting "fined under this title".

(b) CROSS REFERENCE CORRECTIONS AND CORRECTIONS OF TYPOGRAPHICAL ERRORS.—

(1) Section 3286 of title 18, United States Code, is amended—

(A) by striking "2331" and inserting "2332";

(B) by striking "2339" and inserting "2332a"; and

(C) by striking "36" and inserting "37".

(2) Section 2339A(b) of title 18, United States Code, is amended—

(A) by striking "2331" and inserting "2332";

(B) by striking "2339" and inserting "2332a";

(C) by striking "36" and inserting "37"; and

(D) by striking "of an escape" and inserting "or an escape".

(3) Section 1961(1)(D) of title 18, United States Code, is amended by striking "that title" and inserting "this title".

(4) Section 2423(b) of title 18, United States Code, is amended by striking "2245" and inserting "2246".

(5) Section 3553(f) of title 18, United States Code, is amended by striking "section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 961, 963)" and inserting "section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 960, 963)".

(6) Section 3553(f)(4) of title 18, United States Code, is amended by striking "21 U.S.C. 848" and inserting "section 408 of the Controlled Substances Act".

(7) Section 3592(c)(1) of title 18, United States Code, is amended by striking "2339" and inserting "2332a".

(c) SIMPLIFICATION AND CLARIFICATION OF WORDING.—

(1) Section 844(h) of title 18, United States Code, is amended—

(A) in the first sentence, by striking "be sentenced to imprisonment for 5 years but not more than 15 years" and inserting "be sentenced to imprisonment for not less than 5 nor more than 15 years"; and

(B) in the second sentence, by striking "be sentenced to imprisonment for 10 years but not more than 25 years" and inserting "be sentenced to imprisonment for not less than 10 nor more than 25 years".

(2) The third undesignated paragraph of section 5032 of title 18, United States Code, is amended by inserting "or as authorized under section 3401(g) of this title" after "shall proceed by information".

(3) Section 1120 of title 18, United States Code, is amended by striking "Federal prison" each place it appears and inserting "Federal correctional institution".

(d) CORRECTION OF PARAGRAPH CONNECTORS.—Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (l), by striking "or" after the semicolon; and

(2) in paragraph (n), by striking "and" where it appears after the semicolon and inserting "or".

(e) CORRECTION CAPITALIZATION OF ITEMS IN LIST.—Section 504 of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "the" the first place it appears and inserting "The"; and

(2) in paragraph (3), by striking "the" the first place it appears and inserting "The".

(f) CORRECTIONS OF PUNCTUATION AND OTHER ERRONEOUS FORM.—

(1) Section 656 of title 18, United States Code, is amended in the first paragraph by striking "Act,," and inserting "Act,".

(2) Section 1114 of title 18, United States Code, is amended by striking "1112." and inserting "1112,".

(3) Section 504(3) of title 18, United States Code, is amended by striking "importation, of" and inserting "importation of".

(4) Section 3059A(a)(1) of title 18, United States Code, is amended by striking "section 215 225,," and inserting "section 215, 225,".

(5) Section 3125(a) of title 18, United States Code, is amended by striking the close quotation mark at the end.

(6) Section 1956(c)(7)(B)(iii) of title 18, United States Code, is amended by striking "1978)" and inserting "1978".

(7) The item relating to section 656 in the table of sections at the beginning of chapter 31 of title 18, United States Code, is amended by inserting a comma after "embezzlement".

(8) The item relating to section 1024 in the table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by striking "veterans'" and inserting "veteran's".

(9) Section 3182 (including the heading of such section) and the item relating to such section in the table of sections at the beginning of chapter 209, of title 18, United States Code, are each amended by inserting a comma after "District" each place it appears.

(10) The item relating to section 3183 in the table of sections at the beginning of chapter 209 of title 18, United States Code, is amended by inserting a comma after "Territory".

(11) The items relating to section 2155 and 2156 in the table of sections at the beginning of chapter 105 of title 18, United States Code, are each amended by striking "or" and inserting ", or".

(12) The headings for sections 2155 and 2156 of title 18, United States Code, are each amended by striking "**or**" and inserting ", **or**".

(13) Section 1508 of title 18, United States Code, is amended by realigning the matter beginning "shall be fined" and ending "one year, or both." so that it is flush to the left margin.

(14) The item relating to section 4082 in the table of sections at the beginning of chapter 305 of title 18, United States Code, is amended by striking "centers," and inserting "centers;".

(15) Section 2101(a) of title 18, United States Code, is amended by striking "(1)" and by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively.

(16) Section 5038 of title 18, United States Code, is amended by striking "section 841, 952(a), 955, or 959 of title 21" each place it appears and inserting "section 401 of the Controlled Substances Act or section 1001(a), 1005, or 1009 of the Controlled Substances Import and Export Act".

(g) CORRECTIONS OF PROBLEMS ARISING FROM UNCOORDINATED AMENDMENTS.—

(1) SECTION 5032.—The first undesignated paragraph of section 5032 of title 18, United States Code, is amended—

(A) by inserting "section 922(x)" before "or section 924(b)"; and

(B) by striking "or (x)".

(2) STRIKING MATERIAL UNSUCCESSFULLY ATTEMPTED TO BE STRICKEN FROM SECTION 1116 BY PUBLIC LAW 103–322.—Subsection (a) of section 1116 of title 18, United States Code, is amended by striking ", except" and all that follows through the end of such subsection and inserting a period.

(3) ELIMINATION OF DUPLICATE AMENDMENT IN SECTION 1958.—Section 1958(a) of title 18, United States Code, is amended by striking "or who conspires to do so" where it appears following "or who conspires to do so" and inserting a comma.

(h) INSERTION OF MISSING END QUOTE.—Section 80001(a) of the Violent Crime Control and Law Enforcement Act of 1994 is amended by inserting a close quotation mark followed by a period at the end.

(i) REDESIGNATION OF DUPLICATE SECTION NUMBERS AND CONFORMING CLERICAL AMENDMENTS.—

(1) REDESIGNATION.—That section 2258 added to title 18, United States Code, by section 160001(a) of the Violent Crime Control and Law Enforcement Act of 1994 is redesignated as section 2260.

(2) CONFORMING CLERICAL AMENDMENT.—The item in the table of sections at the beginning

of chapter 110 of title 18, United States Code, relating to the section redesignated by paragraph (1) is amended by striking "2258" and inserting "2260".

(3) CONFORMING AMENDMENT TO CROSS-REFERENCE.—Section 1961(1)(B) of title 18, United States Code, is amended by striking "2258" and inserting "2260".

(j) REDESIGNATION OF DUPLICATE CHAPTER NUMBER AND CONFORMING CLERICAL AMENDMENT.—

(1) REDESIGNATION.—The chapter 113B added to title 18, United States Code, by Public Law 103–236 is redesignated chapter 113C.

(2) CONFORMING CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code is amended in the item relating to the chapter redesignated by paragraph (1)—

(A) by striking "**113B**" and inserting "**113C**"; and

(B) by striking "**2340.**" and inserting "**2340**".

(k) REDESIGNATION OF DUPLICATE PARAGRAPH NUMBERS AND CORRECTION OF PLACEMENT OF PARAGRAPHS IN SECTION 3563.—

(1) REDESIGNATION.—Section 3563(a) of title 18, United States Code, is amended by redesignating the second paragraph (4) as paragraph (5).

(2) CONFORMING CONNECTOR CHANGE.—Section 3563(a) of title 18, United States Code, is amended—

(A) by striking "and" at the end of paragraph (3); and

(B) by striking the period at the end of paragraph (4) and inserting "; and".

(3) PLACEMENT CORRECTION.—Section 3563(a) of title 18, United States Code, is amended so that paragraph (4) and the paragraph redesignated as paragraph (5) by this subsection are transferred to appear in numerical order immediately following paragraph (3) of such section 3563(a).

(l) REDESIGNATION OF DUPLICATE PARAGRAPH NUMBERS IN SECTION 1029 AND CONFORMING AMENDMENTS RELATED THERETO.—Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating those paragraphs (5) and (6) which were added by Public Law 103–414 as paragraphs (7) and (8), respectively;

(B) by redesignating paragraph (7) as paragraph (9);

(C) by striking "or" at the end of paragraph (6) and at the end of paragraph (7) as so redesignated by this subsection; and

(D) by inserting "or" at the end of paragraph (8) as so redesignated by this subsection;

(2) in subsection (e), by redesignating the second paragraph (7) as paragraph (8); and

(3) in subsection (c)—

(A) in paragraph (1), by striking "or (7)" and inserting "(7), (8), or (9)"; and

(B) in paragraph (2), by striking "or (6)" and inserting "(6), (7), or (8)".

(m) INSERTION OF MISSING SUBSECTION HEADING.—Section 1791(c) of title 18, United States Code, is amended by inserting after "(c)" the following subsection heading: "CONSECUTIVE PUNISHMENT REQUIRED IN CERTAIN CASES.—".

(n) CORRECTION OF MISSPELLING.—Section 2327(c) of title 18, United States Code, is amended by striking "delegee" each place it appears and inserting "designee".

(o) CORRECTION OF SPELLING AND AGENCY REFERENCE.—Section 5038(f) of title 18, United States Code, is amended—

(1) by striking "juvenille" and inserting "juvenile", and

(2) by striking "the Federal Bureau of Investigation, Identification Division," and inserting "the Federal Bureau of Investigation".

(p) CORRECTING MISPLACED WORD.—Section 1028(a) of title 18, United States Code, is amended by striking "or" at the end of paragraph (4) and inserting "or" at the end of paragraph (5).

(q) STYLISTIC CORRECTION.—Section 37(c) of title 18, United States Code, is amended by inserting after "(c)" the following subsection heading: "BAR TO PROSECUTION.—".

SEC. 3. REPEAL OF OBSOLETE PROVISIONS IN TITLE 18.

(a) SECTION 709 AMENDMENT.—Section 709 of title 18, United States Code, is amended by striking "Whoever uses as a firm or business name the words 'Reconstruction Finance Corporation' or any combination or variation of these words—".

(b) SECTION 1014 AMENDMENT.—Section 1014 of title 18, United States Code, is amended—

(1) by striking "Reconstruction Finance Corporation,";

(2) by striking "Farmers' Home Corporation,"; and

(3) by striking "of the National Agricultural Credit Corporation,".

(c) SECTION 798 AMENDMENT.—Section 798(d)(5) of title 18, United States Code, is amended by striking "the Trust Territory of the Pacific Islands,".

(d) SECTION 281 REPEAL.—Section 281 of title 18, United States Code, is repealed and the table of sections at the beginning of chapter 15 of such title is amended by striking the item relating to such section.

(e) SECTION 510 AMENDMENT.—Section 510(b) of title 18, United States Code, is amended by striking "that in fact" and all that follows through "signature".

(f) CONTROLLED SUBSTANCES ACT AMENDMENT.—Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended by striking subsections (g) through (p) and (r) and paragraphs (1) through (3) of subsection (q).

SEC. 4. TECHNICAL AMENDMENTS RELATING TO CHAPTERS 40 AND 44 OF TITLE 18.

(a) REPLACEMENT FOR UNEXECUTABLE AMENDMENT TO SECTION 844.—

(1) AMENDMENT.—Section 844(f) of title 18, United States Code, is amended by striking "twenty years, or fined under this title" and inserting "40 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 320106 of the Violent Crime Control and Law Enforcement Act of 1994 on the date of the enactment of such Act.

(b) ELIMINATION OF DOUBLE COMMAS IN SECTION 844.—Section 844 of title 18, United States Code, is amended in each of subsections (f) and (i) by striking ",," each place it appears and inserting a comma.

(c) REPLACEMENT OF COMMA WITH SEMICOLON IN SECTION 922.—Section 922(g)(8)(C)(ii) of title 18, United States Code, is amended by striking the comma at the end and inserting a semicolon.

(d) CLARIFICATION OF AMENDMENT TO SECTION 922.—

(1) AMENDMENT.—Section 320927 of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103–322) is amended by inserting "the first place it appears" before the period.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 320927 of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(e) STYLISTIC CORRECTION TO SECTION 922.—Section 922(t)(2) of title 18, United States Code, is amended by striking "section 922(g)" and inserting "subsection (g)".

(f) ELIMINATION OF UNNECESSARY WORDS.—Section 922(w)(4) of title 18, United States Code, is amended by striking "title 18, United States Code," and inserting "this title".

(g) CLARIFICATION OF PLACEMENT OF PROVISION.—

(1) AMENDMENT.—Section 110201(a) of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103–322) is amended by striking "adding at the end" and inserting "inserting after subsection (w)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 110201 of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(h) CORRECTION OF TYPOGRAPHICAL ERRORS IN LIST OF CERTAIN WEAPONS.—Appendix A to section 922 of title 18, United States Code, is amended—

(1) in the category designated

"Centerfire Rifles—Lever & Slide",

by striking

"Uberti 1866 Sporting Rilfe"

and inserting the following:

"Uberti 1866 Sporting Rifle";

(2) in the category designated

"Centerfire Rifles—Bolt Action",

by striking

"Sako Fiberclass Sporter"

and inserting the following:

"Sako FiberClass Sporter";

(3) in the category designated

"Shotguns—Slide Actions",

by striking

"Remington 879 SPS Special Purpose Magnum"

and inserting the following:

"Remington 870 SPS Special Purpose Magnum"; and

(4) in the category designated

"Shotguns—Over/Unders",

by striking

"E.A.A/Sabatti Falcon-Mon Over/Under"

and inserting the following:

"E.A.A./Sabatti Falcon-Mon Over/Under".

(i) INSERTION OF MISSING COMMAS.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note; Public Law 103–159) is amended in each of subsections (e)(1), (g), and (i)(2) by inserting a comma after "United States Code".

(j) CORRECTION OF UNEXECUTABLE AMENDMENTS RELATING TO THE VIOLENT CRIME REDUCTION TRUST FUND.—

(1) CORRECTION.—Section 210603(b) of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking "Fund," and inserting "Fund established by section 1115 of title 31, United States Code,".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 210603(b) of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(k) CORRECTION OF UNEXECUTABLE AMENDMENT TO SECTION 923.—

(1) CORRECTION.—Section 201(1) of the Act, entitled "An Act to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be

contacted by firearms dealers before the transfer of any firearm." (Public Law 103–159), is amended by striking "thereon," and inserting "thereon".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in the Act referred to in paragraph (1) on the date of the enactment of such Act.

(l) CORRECTION OF PUNCTUATION AND INDENTATION IN SECTION 923.—Section 923(g)(1)(B)(ii) of title 18, United States Code, is amended—

(1) by striking the period and inserting "; or"; and

(2) by moving such clause 4 ems to the left.

(m) REDESIGNATION OF SUBSECTION AND CORRECTION OF INDENTATION IN SECTION 923.—Section 923 of title 18, United States Code, is amended—

(1) by redesignating the last subsection as subsection (l); and

(2) by moving such subsection 2 ems to the left.

(n) CORRECTION OF TYPOGRAPHICAL ERROR IN AMENDATORY PROVISION.—

(1) CORRECTION.—Section 110507 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended—

(A) by striking "924(a)" and inserting "924"; and

(B) in paragraph (2), by striking "subsections" and inserting "subsection".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if the amendments had been included in section 110507 of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(o) ELIMINATION OF DUPLICATE AMENDMENT.—Subsection (h) of section 330002 of the Violent Crime Control and Law Enforcement Act of 1994 is repealed and shall be considered never to have been enacted.

(p) REDESIGNATION OF PARAGRAPH IN SECTION 924.—Section 924(a) of title 18, United States Code, is amended by redesignating the 2nd paragraph (5) as paragraph (6).

(q) ELIMINATION OF COMMA ERRONEOUSLY INCLUDED IN AMENDMENT TO SECTION 924.—

(1) AMENDMENT.—Section 110102(c)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended by striking "shotgun," and inserting "shotgun".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 110102(c)(2) of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(r) INSERTION OF CLOSE PARENTHESIS IN SECTION 924.—Section 924(j)(3) of title 18, United States Code, is amended by inserting a close parenthesis before the comma.

(s) REDESIGNATION OF SUBSECTIONS IN SECTION 924.—Section 924 of title 18, United States Code, is amended by redesignating the 2nd subsection (l), and subsections (j), (k), (l), (m), and (n) as subsections (j), (k), (l), (m), (n), and (o), respectively.

(t) CORRECTION OF ERRONEOUS CROSS REFERENCE IN AMENDATORY PROVISION.—Section 110504(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended by striking "110203(a)" and inserting "110503".

(u) CORRECTION OF CROSS REFERENCE IN SECTION 930.—Section 930(e)(2) of title 18, United States Code, is amended by striking "(c)" and inserting "(d)".

(v) CORRECTION OF CROSS REFERENCES IN SECTION 930.—The last subsection of section 930 of title 18, United States Code, is amended—

(1) by striking "(g)" and inserting "(h)"; and

(2) by striking "(d)" each place such term appears and inserting "(e)".

SEC. 5. ADDITIONAL AMENDMENTS ARISING FROM ERRORS IN PUBLIC LAW 103–322.

(a) STYLISTIC CORRECTIONS RELATING TO TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 110A of title 18, United States Code, is amended to read as follows:

"Sec.
"2261. Interstate domestic violence.
"2262. Interstate violation of protection order.
"2263. Pretrial release of defendant.
"2264. Restitution.
"2265. Full faith and credit given to protection orders.
"2266. Definitions.".

(2) Chapter 26 of title 18, United States Code, is amended by inserting after the heading for such chapter the following table of sections:

"Sec.
"521. Criminal street gangs.".

(3) Chapter 123 of title 18, United States Code, is amended by inserting after the heading for such chapter the following table of sections:

"Sec.
"2721. Prohibition on release and use of certain personal information from State motor vehicle records.
"2722. Additional unlawful acts.
"2723. Penalties.
"2724. Civil action.
"2725. Definitions.".

(4) The item relating to section 3509 in the table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by striking "Victims"' and inserting "victims"'.

(b) UNIT REFERENCE CORRECTIONS, REMOVAL OF DUPLICATE AMENDMENTS, AND OTHER SIMILAR CORRECTIONS.—

(1) Section 40503(b)(3) of Public Law 103–322 is amended by striking "paragraph (b)(1)" and inserting "paragraph (1)".

(2) Section 60003(a)(2) of Public Law 103–322 is amended by striking "at the end of the section" and inserting "at the end of the subsection".

(3) Section 60003(a)(13) of Public Law 103–322 is amended by striking "$1,000,000 or" and inserting "$1,000,000 and".

(4) Section 3582(c)(1)(A)(i) of title 18, United States Code, is amended by adding "or" at the end.

(5) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by redesignating the second paragraph (43) as paragraph (44).

(6) Subsections (a) and (b) of section 120005 of Public Law 103–322 are each amended by inserting "at the end" after "adding".

(7) Section 160001(f) of Public Law 103–322 is amended by striking "1961(l)" and inserting "1961(1)".

(8) Section 170201(c) of Public Law 103–322 is amended by striking paragraphs (1), (2), and (3).

(9) Subparagraph (D) of section 511(b)(2) of title 18, United States Code, is amended by adjusting its margin to be the same as the margin of subparagraph (C) and adjusting the margins of its clauses so they are indented 2-ems further than the margin of the subparagraph.

(10) Section 230207 of Public Law 103–322 is amended by striking "two" and inserting "2" the first place it appears.

(11) The first of the two undesignated paragraphs of section 240002(c) of Public Law 103–322 is designated as paragraph (1) and the second as paragraph (2).

(12) Section 280005(a) of Public Law 103–322 is amended by striking "Section 991 (a)" and inserting "Section 991(a)".

(13) Section 320101 of Public Law 103–322 is amended—

(A) in subsection (b), by striking paragraph (1);

(B) in subsection (c), by striking paragraphs (1)(A) and (2)(A);

(C) in subsection (d), by striking paragraph (3); and

(D) in subsection (e), by striking paragraphs (1) and (2).

(14) Section 320102 of Public Law 103–322 is amended by striking paragraph (2).

(15) Section 320103 of Public Law 103–322 is amended—

(A) in subsection (a), by striking paragraph (1);

(B) in subsection (b), by striking paragraph (1); and

(C) in subsection (c), by striking paragraphs (1) and (3).

(16) Section 320103(e) of Public Law 103–322 is amended—

(A) in the subsection catchline, by striking "FAIR HOUSING" and inserting "1968 CIVIL RIGHTS"; and

(B) by striking "of the Fair Housing Act" and inserting "of the Civil Rights Act of 1968".

(17) Section 320109(1) of Public Law 103–322 is amended by inserting an open quotation mark before "(a) IN GENERAL".

(18) Section 320602(1) of Public Law 103–322 is amended by striking "whoever" and inserting "Whoever".

(19) Section 668(a) of title 18, United States Code, is amended—

(A) by designating the first undesignated paragraph that begins with a quotation mark as paragraph (1);

(B) by designating the second undesignated paragraph that begins with a quotation mark as paragraph (2); and

(C) by striking the close quotation mark and the period at the end of the subsection.

(20) Section 320911(a) of Public Law 103–322 is amended in each of paragraphs (1) and (2), by striking "thirteenth" and inserting "14th".

(21) Section 2311 of title 18, United States Code, is amended by striking "livestock" where it appears in quotation marks and inserting "Livestock".

(22) Section 540A(c) of title 28, United States Code, is amended—

(A) by designating the first undesignated paragraph as paragraph (1);

(B) by designating the second undesignated paragraph as paragraph (2); and

(C) by designating the third undesignated paragraph as paragraph (3).

(23) Section 330002(d) of Public Law 103–322 is amended by striking "the comma" and inserting "each comma".

(24) Section 330004(18) of Public Law 103–322 is amended by striking "the Philippine" and inserting "Philippine".

(25) Section 330010(17) of Public Law 103–322 is amended by striking "(2)(iii)" and inserting "(2)(A)(iii)".

(26) Section 330011(d) of Public Law 103–322 is amended—

(A) by striking "each place" and inserting "the first place"; and

(B) by striking "1169" and inserting "1168".

(27) The item in the table of sections at the beginning of chapter 53 of title 18, United States Code, that relates to section 1169 is

transferred to appear after the item relating to section 1168.

(28) Section 901 of the Civil Rights Act of 1968 is amended by striking "under this title" each place it appears and inserting "under title 18, United States Code,".

(29) Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking "law)." and inserting "law)".

(30) Section 250008(a)(2) of Public Law 103–322 is amended by striking "this Act" and inserting "provisions of law amended by this title".

(31) Section 36(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking "403(c)" and inserting "408(c)"; and

(B) in paragraph (2), by striking "Export Control" and inserting "Export".

(32) Section 1512(a)(2)(A) of title 18, United States Code, is amended by adding "and" at the end.

(33) Section 13(b)(2)(A) of title 18, United States Code, is amended by striking "of not more than $1,000" and inserting "under this title".

(34) Section 160001(g)(1) of Public Law 103–322 is amended by striking "(a) Whoever" and inserting "Whoever".

(35) Section 290001(a) of Public Law 103–322 is amended by striking "subtitle" and inserting "section".

(36) Section 3592(c)(12) of title 18, United States Code, is amended by striking "Controlled Substances Act" and inserting "Comprehensive Drug Abuse Prevention and Control Act of 1970".

(37) Section 1030 of title 18, United States Code, is amended—

(A) by inserting "or" at the end of subsection (a)(5)(B)(ii)(II)(bb);

(B) by striking "and" after the semicolon in subsection (c)(1)(B);

(C) in subsection (g), by striking "the section" and inserting "this section"; and

(D) in subsection (h), by striking "section 1030(a)(5) of title 18, United States Code" and inserting "subsection (a)(5)".

(38) Section 320103(c) of Public Law 103–322 is amended by striking the semicolon at the end of paragraph (2) and inserting a close quotation mark followed by a semicolon.

(39) Section 320104(b) of Public Law 103–322 is amended by striking the comma that follows "2319 (relating to copyright infringement)" the first place it appears.

(40) Section 1515(a)(1)(D) of title 18, United States Code, is amended by striking "; or" and inserting a semicolon.

(41) Section 5037(b) of title 18, United States Code, is amended in each of paragraphs (1)(B) and (2)(B), by striking "3561(b)" and inserting "3561(c)".

(42) Section 330004(3) of Public Law 103–322 is amended by striking "thirteenth" and inserting "14th".

(43) Section 2511(1)(e)(i) of title 18, United States Code, is amended—

(A) by striking "sections 2511(2)(A)(ii), 2511(b)–(c), 2511(e)" and inserting "sections 2511(2)(a)(ii), 2511(2)(b)–(c), 2511(2)(e)"; and

(B) by striking "subchapter" and inserting "chapter".

(44) Section 1516(b) of title 18, United States Code, is amended by inserting "or" at the end of paragraph (1).

(45) The item relating to section 1920 in the table of sections at the beginning of chapter 93 of title 18, United States Code, is amended by striking "employee's" and inserting "employees'".

(46) Section 330022 of Public Law 103–322 is amended by inserting a period after "communications" and before the close quotation mark.

(47) Section 2721(c) of title 18, United States Code, is amended by striking "covered by this title" and inserting "covered by this chapter".

(c) ELIMINATION OF EXTRA WORDS.—

(1) Section 3561(b) of title 18, United States Code, is amended by striking "or any relative defendant, child, or former child of the defendant,".

(2) Section 351(e) of title 18, United States Code, is amended by striking "involved in the use of a" and inserting "involved the use of a".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of Public Law 103–322.

SEC. 6. ADDITIONAL TYPOGRAPHICAL AND SIMILAR ERRORS FROM VARIOUS SOURCES.

(a) MISUSED CONNECTOR.—Section 1958(a) of title 18, United States Code, is amended by striking "this title and imprisoned" and inserting "this title or imprisoned".

(b) SPELLING ERROR.—Effective on the date of its enactment, section 961(h)(1) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 is amended by striking "Saving and Loan" and inserting "Savings and Loan".

(c) WRONG SECTION DESIGNATION.—The table of chapters for part I of title 18, United States Code, is amended in the item relating to chapter 71 by striking "1461" and inserting "1460".

(d) INTERNAL CROSS REFERENCE.—Section 2262(a)(1)(A)(ii) of title 18, United States Code, is amended by striking "subparagraph (A)" and inserting "this subparagraph".

(e) MISSING COMMA.—Section 1361 of title 18, United States Code, is amended by inserting a comma after "attempts to commit any of the foregoing offenses".

(f) CROSS REFERENCE ERROR FROM PUBLIC LAW 103–414.—The first sentence of section 2703(d) of title 18, United States Code, by striking "3126(2)(A)" and inserting "3127(2)(A)".

(g) INTERNAL REFERENCE ERROR IN PUBLIC LAW 103–359.—Section 3077(8)(A) of title 18, United States Code, is amended by striking "title 18, United States Code" and inserting "this title".

(h) SPELLING AND INTERNAL REFERENCE ERROR IN SECTION 3509.—Section 3509 of title 18, United States Code, is amended—

(1) in subsection (e), by striking "government's" and inserting "Government's"; and

(2) in subsection (h)(3), by striking "subpart" and inserting "paragraph".

(i) ERROR IN SUBDIVISION FROM PUBLIC LAW 103–329.—Section 3056(a)(3) of title 18, United States Code, is amended by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B), respectively and moving the margins of such subparagraphs 2 ems to the right.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 20 minutes, and the gentleman from New York [Mr. SCHUMER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I introduced H.R. 2538, the Criminal Law Technical Amendments Act of 1995, on behalf of myself and the gentleman from New York [Mr. SCHUMER], who is the ranking minority member of the Crime Subcommittee. This bill makes a number of strictly technical amendments to the Federal criminal law, principally in title 18 and title 21 of the United States Code.

Over the past several years, the House Office of Legislative Counsel and the Department of Justice have accumulated a list of technical issues that need to be addressed, mostly as a result of rapid change to Federal criminal law.

Mr. Speaker, I want to assure all of my colleagues that all of the changes made in H.R. 2538 are purely technical in nature. There are no substantive modifications to the criminal law made by this bill. For example, the bill corrects a number of misspelled words, and errors in punctuation and other items of grammar. The bill also corrects a number of cross-references in the criminal law that resulted when several new laws were added to title 18 in last year's crime bill. The bill also deletes several specific statutory fine amounts that unintentionally remain in the printed code, notwithstanding the fact that several years ago Congress deleted specific fine amounts from title 18 in favor of a uniform fine statute applicable to all crimes.

Mr. Speaker, some may ask why we are even bothering to make such changes if they are not substantive in nature. Well, I believe it is appropriate that the Congress ensure that the written Federal law, as read by both practitioners and the public, reflects an appropriate level of care for detail and the true intent of Congress. This, among other benefits, strengthens the public's confidence in the legislative branch.

For example, I mentioned criminal fines. In 1987, Congress established a uniform fine of up to $250,000 for a felony conviction. Criminal offenses established prior to that time contained other specific, and mostly lower, fine amounts. Those amounts are no longer effective as a result of the 1987 act, yet they remain on the books. This can be confusing to those who are unfamiliar with Federal criminal law.

This bill helps us achieve the goals I have outlined. I urge all of my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SCHUMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not want to go through it, but this is as uncontroversial a bill as we are going to get. It has been carefully reviewed by our side to make sure it has no substantive changes in our Federal law.

Mr. Speaker, I urge all Members to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I, too, yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 2538, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

INCREASING PENALTY FOR ESCAPING FROM FEDERAL PRISON

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1533) to amend title 18, United States Code, to increase the penalty for escaping from a Federal prison.

The Clerk read as follows:

H.R. 1533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 751(a) of title 18, United States Code, is amended by striking "five" and inserting "10".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 20 minutes, and the gentleman from New York [Mr. SCHUMER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is simple and noncontroversial, and yet it makes an important improvement to Federal criminal law. As Federal law enforcement has increased its attack in recent years on serious violent criminals and major drug traffickers by imposing long prison sentences on these most dangerous offenders, the penalty for escaping from prison and other forms of Federal custody has not increased in a corresponding manner.

This presents a risk to the safety of Federal employees who work for the Bureau of Prisons, the Marshals Service, and the other enforcement agencies charged with maintaining the custody of persons convicted of Federal crimes. H.R. 1533 fixes this problem.

This bill was introduced by the gentleman from Tennessee [Mr. BRYANT]. I want to commend him for having the idea and for his initiative.

Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. BRYANT] so that he may explain his bill.

Mr. BRYANT of Tennessee. Mr. Speaker, I am pleased to have the opportunity today to speak on behalf of H.R. 1533, a bill which I introduced earlier this year. I especially thank the distinguished chairman of the Subcommittee on Crime, the gentleman from Florida [Mr. MCCOLLUM] for his help in moving this legislation to this point of consideration for the full House of Representatives.

H.R. 1533 would simply double from 5 years to 10 years the maximum penalty that Federal escapees can receive. The penalty applies to all escapees and attempted escapees who are in the Attorney General's custody. Therefore this penalty would apply to those who escape or attempt to escape from a Federal prison, from the custody of the United States marshals while in transit or from a halfway house or from other non-Federal facilities such as a private prison or local jails.

I might add that the National Sheriffs' Association supports this bill because of that.

Mr. Speaker, it is time to raise the penalty for escaping from Federal custody. Currently a Federal escapee faces a maximum of 5 years in jail. Of course, due to the sentencing guidelines, he received the 5-year maximum penalty.

There are two primary reasons why such an increase is necessary and needed at this time. First, it would serve as a greater deterrent to those people who would be thinking about attempting to escape from jail, and second, it would maintain the alignment, a better alignment, if my colleagues will, with today's longer-based sentences. Federal prison escapes are up, and they have been going up since 1992 when over 550 Federal detainees jumped the fence, or held up a guard, or smuggled themselves out by way of a trash truck, did whatever they had to do to break out, break away from, the law and creep back into the society to resume their unlawful and in too many instances violent ways. That number has continued to increase to around 600 escapees in 1993 and up to 660 escapees last year.

A Federal marshal and a court security officer have already been killed in one of these attempted escapes in a senseless and intolerable act of misbehavior. This occurred in Chicago under circumstances that I happened to be in that city that day on business and followed that case very closely where a man in transit by a marshal in a Federal courthouse in the parking garage part somehow came into possession of a key to handcuffs and escaped and overcame the guard, the marshal that was accompanying him, took the gun and shot that marshal as well as another court security officer, certainly an example of a tragic incident where we need better and tougher laws against people who make attempts to escape.

□ 1745

Overall, to their credit, the U.S. Marshals Service has already done an outstanding job of handling these cases successfully, recapturing nearly 500 of the 660 prisoners who have escaped. But tracking these criminals certainly is not easy, let alone a criminal who has escaped and is trying to hide out. When an individual knows they are being pursued, just finding out where they are can cost literally hundreds of hours of investigative work and cause quite a few headaches. This successful record that the marshals have still leaves over 150 escapees from 1994 still out on the streets committing more crimes.

I mentioned earlier the consequences and the risks of escaping. Let us consider exactly what those consequences are and then ask ourselves, are these consequences working to deter people from trying to escape? Under current law, the maximum penalty which can be administered to a Federal escapee, either caught trying to escape or caught after escaping, is the 5 years, as I mentioned earlier. Five years, Mr. Speaker, as we all know, due to the sentencing guidelines, few of those actually caught either after they have escaped or attempting to escape would actually receive this full maximum of 5 years.

I ask the question: Are the current penalties for escaping from Federal custody strong enough? I do not believe so. I do not think that when some Federal prisoners are sitting in the back of a squad car or in a transport van or sitting in their jail cells thinking about making a break for it; I do not think they are thinking about what would happen to them if they got caught. If those who escape or are trying to escape are thinking about it, then we are certainly not deterring them from it. The latest most current penalties must not be working, at least not for these particular people. If they are not thinking about what may happen to them if they are caught, then we definitely need to give them something more to think about.

Mr. Speaker, it is past time to raise the stakes for escaping from Federal custody. When this bill passes, it will not take long for the word to circulate among the jails and the prisons in the county, jails where some of these Federal inmates are kept, about this increase in punishment and the higher risks that they will get caught up in if they attempt to make a break. The penalty will be doubled, and they will understand that.

There is another reason why we need to pass this bill. That is to stay consistent with the much tougher penalties we have already put in place for other crimes due to the tougher sentencing guidelines and due to the mandatory sentence. Quite frankly, a lot of

these people in jail who are serving the longer sentences that we are getting today are not much deterred, are not much affected by the fact that they might risk another 1 or 2 years on the already long jail sentence, so it is worth the risk to them to attempt to escape.

What we are doing by doubling the punishment is, again, raising the stakes and making it more of a serious threat to them and a deterrent to them, because when they try to escape it is not just simply a matter of scooting out the back door, running away and hiding in society. Very often they injure people, they hurt people, as I mentioned in the incident in Chicago, where two completely innocent people doing their jobs were shot dead by this person. So it is a problem that actually does need to be addressed at this time.

One might say, though, "Well, rather than approaching it from this end, why not just simply tighten up the security at the Federal prisons?" Our Bureau of Federal Prisons, our Bureau of Prisons, those folks like the U.S. marshal are doing a tremendous job, but most of the Federal escapes do not occur out of the Federal prisons. As it was pointed out earlier, the U.S. Marshals have to transport these prisoners back and forth, sometimes as witnesses, sometimes as defendants in their own case. They have to be brought all around the country, sometimes, in airplanes and vehicles to courthouses; again, as in Chicago, the gentleman was being escorted out the Federal building in the courthouse and back to the jail.

Many of these Federal prisoners are also kept in State and local jails and in private penitentiaries where security might not be as strong as the BOP, the Bureau of Prisons, on the federal level. This bill addresses those types of prisoners, too. it might be because the county jail is overcrowded, or that they are in a minimum security temporary holding facility. Resources, quite frankly, are just limited. It makes it easier for some of these folks, again, to risk the additional 1 or 2 years they might get to going over the fence and actually probably hurting somebody while they do that.

This is where the brunt of the problem is. Mr. Speaker, it is our responsibility as a Congress to set a reasonable penalty in place as an effort to reduce the number of escapees from increasing every year with our ever-growing prison population. The fact is we must point our escape policy in a different direction than where the increasing number of escapees have pointed it over the course of the next 4 years. Doubling the current 35-year penalty, I believe, is the correct starting point.

Finally, let me add, the Department of Justice supports this bill because of the reasons I have just outlined. A letter from the Assistant Attorney General for Legislative Affairs says the Department of Justice considers any criminal offense committed during incarceration to be egregious, particularly escape attempts.

I am also pleased to have the bipartisan support from many of my colleagues who have supported this legislation, and it passed out of the Committee on the Judiciary by a voice vote overwhelmingly.

In closing, I want to add my personal thanks to a deputy marshal in Memphis, TN, who worked with me when I was U.S. attorney there, Deputy Marshal Scott Sanders, who suggested this idea to me, to double the penalty there.

Finally, I would urge my colleagues to vote in support of H.R. 1533, as it represents another brick in the wall toward restoring law and order in America. I urge its passage.

Mr. MCCOLLUM. Reclaiming my time, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to first commend the gentleman from Tennessee [Mr. BRYANT] for offering this legislation to begin with. I do not want to make but a couple of comments, and then I will let the gentleman from New York [Mr. SCHUMER] say his piece on this bill.

I think all of us know that dangerous criminals understand the Federal criminal justice system is much tougher than the State systems. We have broad pretrial detention authority, we have mandatory minimum sentences for serious drug trafficking crimes, crimes involving firearms, and we have no parole. Criminals do not want to be prosecuted in the Federal system. A lot of them are pretty tough-looking criminals who break down and even cry. I would like to see the States have those same types of tough laws.

Because the Federal system is so tough, there is a real risk, as the gentleman from Tennessee [Mr. BRYANT] says, that desperate offenders will attempt to escape. No matter what the professionalism of our skilled law enforcement officials who are doing a difficult job, anytime it happens, public servants and law enforcement personnel are at great risk, so I believe this additional penalty for escapes is very important. I am very proud to support the gentleman's bill that is out here today.

Mr. Speaker, I reserve the balance of my time.

Mr. SCHUMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill. This bill, as has been stated, increases the maximum penalty for escaping from Federal prison from 5 to 10 years. I strongly support it, and it was strongly supported by the Department of Justice.

There may be lots of disagreements in this Chamber about basic crime strategies, but in my judgment there is little room for disagreement about the danger that prison escapes present. Prison escapes threaten correctional staff, they threaten the communities in which the correctional institutions are located, they threaten the inmates who may be caught up in a given escape scenario.

Although this Congress has steadily increased underlying penalties for many crimes—something, in my judgment, that has a good deal to do with the decrease in crime rates we are seeing; I know some say one has nothing to do with the other, but I do not believe that; I know in my State it has had an effect and it is going to have an effect in places all over America—we have not increased the penalty for prison escape.

This has led to a situation in which, speaking relative to the possibility of punishment, escaping is becoming a low-risk proposition. This bill corrects that situation by making the penalty more severe, and in the judgment of the Department of Justice, severe enough to substantially discourage escape attempts.

Before I conclude, I want to thank the gentleman from Tennessee [Mr. BRYANT] for his diligence in pushing this bill through. It is a needed bill, and I do not know if this is the first bill the gentleman is passing on the floor of the House, but I congratulate the gentleman, whatever bill it is; it is his first one, so I congratulate him on this landmark occasion in his long and distinguished career.

Mr. CONYERS. Mr. Speaker, with all of the problems facing our prison system today—a system which has proven to be a breeding ground for more serious crime—what the majority sends us is a bill increasing the penalties for escaping from prison. And instead of explaining why such a bill is necessary, we hear that the problem is that the judges don't give stiff enough sentences.

H.R. 1533 responds to a non-existent problem. I am unaware of any great rash of prison breaks. In 1993 for example, only 6 people escaped form Federal prisons, 197 people were considered walk aways—people who did not return to halfway houses.

Prison officials are not clamoring for this change in the law. this increased penalty is unnecessary. It is ridiculous to think that potentially higher sentences will deter attempts to escape from prison. Those individuals who attempt such escapes are not thinking about the penalty for getting caught, because they do not think they will get caught. If they thought they would be caught, they wouldn't try to escape in the first place.

There is no way to characterize legislative proposals such as this other than whistling past the graveyard. Just last week the Justice Department released a startling midyear report showing that the incarceration rate in this country had reached an all-time record of 1.1 million people. The number of prisoners grew by 90,000 people last year—another all-time record. The incarceration rate in this country is higher than any other country in the world and is 8 to 10 times higher than other industrialized nations.

And the racial make up of our prison population is even more striking. Last year some 33 percent of black men in their 20's were in prison or on parole. This contrasts with the rate for white men, which was 6.7 percent. Why are such an increasing number of African-Americans serving more time in prison? The Sentencing Project concludes that "the statistics primary reflected changes in law enforcement policies that have resulted in a greater number of defendants receiving prison sentences, especially prison sentences, rather than an increase in the number of crimes committed by black men."

So instead of trying to deal with the very real, very serious problems which face our prisons—like the problem of a disparity in crack cocaine sentences—we will be voting on a bill to increase sentences for attempted escapes from prison. The bill we are considering today is a complete waste of time. I only wish the majority would spend half as much time on the real problems facing our prisons as they do trying to score political points by acting tough on crime.

The SPEAKER pro tempore (Mr. EWING). All time has expired.

The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1533.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1240, H.R. 2418, and H.R. 1533.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

NATIONAL TECHNOLOGY TRANSFER AND ADVANCEMENT ACT OF 1995

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2196) to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Technology Transfer and Advancement Act of 1995".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Bringing technology and industrial innovation to the marketplace is central to the economic, environmental, and social well-being of the people of the United States.

(2) The Federal Government can help United States business to speed the development of new products and processes by entering into cooperative research and development agreements which make available the assistance of Federal laboratories to the private sector, but the commercialization of technology and industrial innovation in the United States depends upon actions by business.

(3) The commercialization of technology and industrial innovation in the United States will be enhanced if companies, in return for reasonable compensation to the Federal Government, can more easily obtain exclusive licenses to inventions which develop as a result of cooperative research with scientists employed by Federal laboratories.

SEC. 3. USE OF FEDERAL TECHNOLOGY.

Subparagraph (B) of section 11(e)(7) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)(7)(B)) is amended to read as follows:

"(B) A transfer shall be made by any Federal agency under subparagraph (A), for any fiscal year, only if the amount so transferred by that agency (as determined under such subparagraph) would exceed $10,000.".

SEC. 4. TITLE TO INTELLECTUAL PROPERTY ARISING FROM COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Subsection (b) of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)) is amended to read as follows:

"(b) ENUMERATED AUTHORITY.—(1) Under an agreement entered into pursuant to subsection (a)(1), the laboratory may grant, or agree to grant in advance, to a collaborating party patent licenses or assignments, or options thereto, in any invention made in whole or in part by a laboratory employee under the agreement, for reasonable compensation when appropriate. The laboratory shall ensure, through such agreement, that the collaborating party has the option to choose an exclusive license for a field of use for any such invention under the agreement or, if there is more than one collaborating party, that the collaborating parties are offered the option to hold licensing rights that collectively encompass the rights that would be held under such an exclusive license by one party. In consideration for the Government's contribution under the agreement, grants under this paragraph shall be subject to the following explicit conditions:

"(A) A nonexclusive, nontransferable, irrevocable, paid-up license from the collaborating party to the laboratory to practice the invention or have the invention practiced throughout the world by or on behalf of the Government. In the exercise of such license, the Government shall not publicly disclose trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5, United States Code, or which would be considered as such if it had been obtained from a non-Federal party.

"(B) If a laboratory assigns title or grants an exclusive license to such an invention, the Government shall retain the right—

"(i) to require the collaborating party to grant to a responsible applicant a nonexclusive, partially exclusive, or exclusive license to use the invention in the applicant's licensed field of use, on terms that are reasonable under the circumstances; or

"(ii) if the collaborating party fails to grant such a license, to grant the license itself.

"(C) The Government may exercise its right retained under subparagraph (B) only if the Government finds that—

"(i) the action is necessary to meet health or safety needs that are not reasonably satisfied by the collaborating party;

"(ii) the action is necessary to meet requirements for public use specified by Federal regulations, and such requirements are not reasonably satisfied by the collaborating party; or

"(iii) the collaborating party has failed to comply with an agreement containing provisions described in subsection (c)(4)(B).

"(2) Under agreements entered into pursuant to subsection (a)(1), the laboratory shall ensure that a collaborating party may retain title to any invention made solely by its employee in exchange for normally granting the Government a nonexclusive, nontransferable, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the Government for research or other Government purposes.

"(3) Under an agreement entered into pursuant to subsection (a)(1), a laboratory may—

"(A) accept, retain, and use funds, personnel, services, and property from a collaborating party and provide personnel, services, and property to a collaborating party;

"(B) use funds received from a collaborating party in accordance with subparagraph (A) to hire personnel to carry out the agreement who will not be subject to full-time-equivalent restrictions of the agency;

"(C) to the extent consistent with any applicable agency requirements or standards of conduct, permit an employee or former employee of the laboratory to participate in an effort to commercialize an invention made by the employee or former employee while in the employment or service of the Government; and

"(D) waive, subject to reservation by the Government of a nonexclusive, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the Government, in advance, in whole or in part, any right of ownership which the Federal Government may have to any subject invention made under the agreement by a collaborating party or employee of a collaborating party.

"(4) A collaborating party in an exclusive license in any invention made under an agreement entered into pursuant to subsection (a)(1) shall have the right of enforcement under chapter 29 of title 35, United States Code.

"(5) A Government-owned, contractor-operated laboratory that enters into a cooperative research and development agreement pursuant to subsection (a)(1) may use or obligate royalties or other income accruing to the laboratory under such agreement with respect to any invention only—

"(A) for payments to inventors;

"(B) for purposes described in clauses (i), (ii), (iii), and (iv) of section 14(a)(1)(B); and

"(C) for scientific research and development consistent with the research and development missions and objectives of the laboratory.".

SEC. 5. DISTRIBUTION OF INCOME FROM INTELLECTUAL PROPERTY RECEIVED BY FEDERAL LABORATORIES.

Section 14 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c) is amended—

(1) by amending subsection (a)(1) to read as follows:

"(1) Except as provided in paragraphs (2) and (4), any royalties or other payments received

by a Federal agency from the licensing and assignment of inventions under agreements entered into by Federal laboratories under section 12, and from the licensing of inventions of Federal laboratories under section 207 of title 35, United States Code, or under any other provision of law, shall be retained by the laboratory which produced the invention and shall be disposed of as follows:

"(A)(i) The head of the agency or laboratory, or such individual's designee, shall pay each year the first $2,000, and thereafter at least 15 percent, of the royalties or other payments to the inventor or coinventors.

"(ii) An agency or laboratory may provide appropriate incentives, from royalties, or other payments, to laboratory employees who are not an inventor of such inventions but who substantially increased the technical value of such inventions.

"(iii) The agency or laboratory shall retain the royalties and other payments received from an invention until the agency or laboratory makes payments to employees of a laboratory under clause (i) or (ii).

"(B) The balance of the royalties or other payments shall be transferred by the agency to its laboratories, with the majority share of the royalties or other payments from any invention going to the laboratory where the invention occurred. The royalties or other payments so transferred to any laboratory may be used or obligated by that laboratory during the fiscal year in which they are received or during the succeeding fiscal year—

"(i) to reward scientific, engineering, and technical employees of the laboratory, including developers of sensitive or classified technology, regardless of whether the technology has commercial applications;

"(ii) to further scientific exchange among the laboratories of the agency;

"(iii) for education and training of employees consistent with the research and development missions and objectives of the agency or laboratory, and for other activities that increase the potential for transfer of the technology of the laboratories of the agency;

"(iv) for payment of expenses incidental to the administration and licensing of intellectual property by the agency or laboratory with respect to inventions made at that laboratory, including the fees or other costs for the services of other agencies, persons, or organizations for intellectual property management and licensing services; or

"(v) for scientific research and development consistent with the research and development missions and objectives of the laboratory.

"(C) All royalties or other payments retained by the agency or laboratory after payments have been made pursuant to subparagraphs (A) and (B) that is unobligated and unexpended at the end of the second fiscal year succeeding the fiscal year in which the royalties and other payments were received shall be paid into the Treasury.";

(2) in subsection (a)(2)—

(A) by inserting "or other payments" after "royalties"; and

(B) by striking "for the purposes described in clauses (i) through (iv) of paragraph (1)(B) during that fiscal year or the succeeding fiscal year" and inserting in lieu thereof "under paragraph (1)(B)";

(3) in subsection (a)(3), by striking "$100,000" both places it appears and inserting "$150,000";

(4) in subsection (a)(4)—

(A) by striking "income" each place it appears and inserting in lieu thereof "payments";

(B) by striking "the payment of royalties to inventors" in the first sentence thereof and inserting in lieu thereof "payments to inventors";

(C) by striking "clause (i) of paragraph (1)(B)" and inserting in lieu thereof "clause (iv) of paragraph (1)(B)";

(D) by striking "payment of the royalties," in the second sentence thereof and inserting in lieu thereof "offsetting the payments to inventors,"; and

(E) by striking "clauses (i) through (iv) of"; and

(5) by amending paragraph (1) of subsection (b) to read as follows:

"(1) by a contractor, grantee, or participant, or an employee of a contractor, grantee, or participant, in an agreement or other arrangement with the agency, or".

SEC. 6. EMPLOYEE ACTIVITIES.

Section 15(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710d(a)) is amended—

(1) by striking "the right of ownership to an invention under this Act" and inserting in lieu thereof "ownership of or the right of ownership to an invention made by a Federal employee"; and

(2) by inserting "obtain or" after "the Government, to".

SEC. 7. AMENDMENT TO BAYH-DOLE ACT.

Section 210(e) of title 35, United States Code, is amended by striking ", as amended by the Federal Technology Transfer Act of 1986,".

SEC. 8. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AMENDMENTS.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) in section 10(a)—

(A) by striking "nine" and inserting in lieu thereof "15"; and

(B) by striking "five" and inserting in lieu thereof "10";

(2) in section 15—

(A) by striking "Pay Act of 1945; and" and inserting in lieu thereof "Pay Act of 1945;"; and

(B) by inserting "; and (h) the provision of transportation services for employees of the Institute between the facilities of the Institute and nearby public transportation, notwithstanding section 1344 of title 31, United States Code" after "interests of the Government"; and

(3) in section 19—

(A) by inserting ", subject to the availability of appropriations," after "post-doctoral fellowship program"; and

(B) by striking "nor more than forty" and inserting in lieu thereof "nor more than 60".

SEC. 9. RESEARCH EQUIPMENT.

Section 11(i) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(i)) is amended—

(1) by inserting "loan, lease," after "department, may"; and

(2) by inserting "Actions taken under this subsection shall not be subject to Federal requirements on the disposal of property." after "education and research activities.".

SEC. 10. PERSONNEL.

The personnel management demonstration project established under section 10 of the National Bureau of Standards Authorization Act for Fiscal Year 1987 (15 U.S.C. 275 note) is extended indefinitely.

SEC. 11. FASTENER QUALITY ACT AMENDMENTS.

(a) SECTION 2 AMENDMENTS.—Section 2 of the Fastener Quality Act (15 U.S.C. 5401) is amended—

(1) by striking subsection (a)(4), and redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively;

(2) in subsection (a)(7), as so redesignated by paragraph (1) of this subsection, by striking "by lot number"; and

(3) in subsection (b), by striking "used in critical applications" and inserting in lieu thereof "in commerce".

(b) SECTION 3 AMENDMENTS.—Section 3 of the Fastener Quality Act (15 U.S.C. 5402) is amended—

(1) in paragraph (1)(B) by striking "having a minimum tensile strength of 150,000 pounds per square inch";

(2) in paragraph (2), by inserting "consensus" after "or any other";

(3) in paragraph (5)—

(A) by inserting "or" after "standard or specification," in subparagraph (B);

(B) by striking "or" at the end of subparagraph (C);

(C) by striking subparagraph (D); and

(D) by inserting "or produced in accordance with ASTM F 432" after "307 Grade A";

(4) in paragraph (6) by striking "other person" and inserting in lieu thereof "government agency";

(5) in paragraph (8) by striking "Standard" and inserting in lieu thereof "Standards";

(6) by striking paragraph (11) and redesignating paragraphs (12) through (15) as paragraphs (11) through (14), respectively;

(7) in paragraph (13), as so redesignated by paragraph (6) of this subsection, by striking ", a government agency" and all that follows through "markings of any fastener" and inserting in lieu thereof "or a government agency"; and

(8) in paragraph (14), as so redesignated by paragraph (6) of this subsection, by inserting "for the purpose of achieving a uniform hardness" after "quenching and tempering".

(c) SECTION 4 REPEAL.—Section 4 of the Fastener Quality Act (15 U.S.C. 5403) is repealed.

(d) SECTION 5 AMENDMENTS.—Section 5 of the Fastener Quality Act (15 U.S.C. 5404) is amended—

(1) in subsection (a)(1)(B) and (2)(A)(i) by striking "subsections (b) and (c)" and inserting in lieu thereof "subsections (b), (c), and (d)";

(2) in subsection (c)(2) by striking "or, where applicable" and all that follows through "section 7(c)(1)";

(3) in subsection (c)(3) by striking ", such as the chemical, dimensional, physical, mechanical, and any other";

(4) in subsection (c)(4) by inserting "except as provided in subsection (d)," before "state whether"; and

(5) by adding at the end the following new subsection:

"(d) ALTERNATIVE PROCEDURE FOR CHEMICAL CHARACTERISTICS.—Notwithstanding the requirements of subsections (b) and (c), a manufacturer shall be deemed to have demonstrated, for purposes of subsection (a)(1), that the chemical characteristics of a lot conform to the standards and specifications to which the manufacturer represents such lot has been manufactured if the following requirements are met:

"(1) The coil or heat number of metal from which such lot was fabricated has been inspected and tested with respect to its chemical characteristics by a laboratory accredited in accordance with the procedures and conditions specified by the Secretary under section 6.

"(2) Such laboratory has provided to the manufacturer, either directly or through the metal manufacturer, a written inspection and testing report, which shall be in a form prescribed by the Secretary by regulation, listing the chemical characteristics of such coil or heat number.

"(3) The report described in paragraph (2) indicates that the chemical characteristics of such coil or heat number conform to those required by the standards and specifications to which the manufacturer represents such lot has been manufactured.

"(4) The manufacturer demonstrates that such lot has been fabricated from the coil or heat number of metal to which the report described in paragraphs (2) and (3) relates.

In prescribing the form of report required by subsection (c), the Secretary shall provide for an alternative to the statement required by subsection (c)(4), insofar as such statement pertains to chemical characteristics, for cases in which a manufacturer elects to use the procedure permitted by this subsection.".

(e) SECTION 6 AMENDMENT.—Section 6(a)(1) of the Fastener Quality Act (15 U.S.C. 5405(a)(1)) is amended by striking "Within 180 days after the date of enactment of this Act, the" and inserting in lieu thereof "The".

(f) SECTION 7 AMENDMENTS.—Section 7 of the Fastener Quality Act (15 U.S.C. 5406) is amended—

(1) by amending subsection (a) to read as follows:

"(a) DOMESTICALLY PRODUCED FASTENERS.—It shall be unlawful for a manufacturer to sell any shipment of fasteners covered by this Act which are manufactured in the United States unless the fasteners—

"(1) have been manufactured according to the requirements of the applicable standards and specifications and have been inspected and tested by a laboratory accredited in accordance with the procedures and conditions specified by the Secretary under section 6; and

"(2) an original laboratory testing report described in section 5(c) and a manufacturer's certificate of conformance are on file with the manufacturer, or under such custody as may be prescribed by the Secretary, and available for inspection.";

(2) in subsection (c)(2) by inserting "to the same" after "in the same manner and";

(3) in subsection (d)(1) by striking "certificate" and inserting in lieu thereof "test report"; and

(4) by striking subsections (e), (f), and (g) and inserting in lieu thereof the following:

"(e) COMMINGLING.—It shall be unlawful for any manufacturer, importer, or private label distributor to commingle like fasteners from different lots in the same container, except that such manufacturer, importer, or private label distributor may commingle like fasteners of the same type, grade, and dimension from not more than two tested and certified lots in the same container during repackaging and plating operations. Any container which contains fasteners from two lots shall be conspicuously marked with the lot identification numbers of both lots.

"(f) SUBSEQUENT PURCHASER.—If a person who purchases fasteners for any purpose so requests either prior to the sale or at the time of sale, the seller shall conspicuously mark the container of the fasteners with the lot number from which such fasteners were taken.".

(g) SECTION 9 AMENDMENT.—Section 9 of the Fastener Quality Act (15 U.S.C. 5408) is amended by adding at the end the following new subsection:

"(d) ENFORCEMENT.—The Secretary may designate officers or employees of the Department of Commerce to conduct investigations pursuant to this Act. In conducting such investigations, those officers or employees may, to the extent necessary or appropriate to the enforcement of this Act, exercise such authorities as are conferred upon them by other laws of the United States, subject to policies and procedures approved by the Attorney General.".

(h) SECTION 10 AMENDMENTS.—Section 10 of the Fastener Quality Act (15 U.S.C. 5409) is amended—

(1) in subsections (a) and (b), by striking "10 years" and inserting in lieu thereof "5 years"; and

(2) in subsection (b), by striking "any subsequent" and inserting in lieu thereof "the subsequent".

(i) SECTION 13 AMENDMENT.—Section 13 of the Fastener Quality Act (15 U.S.C. 5412) is amended by striking "within 180 days after the date of enactment of this Act".

(j) SECTION 14 REPEAL.—Section 14 of the Fastener Quality Act (15 U.S.C. 5413) is repealed.

SEC. 12. STANDARDS CONFORMITY.

(a) USE OF STANDARDS.—Section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)) is amended—

(1) in paragraph (2), by striking ", including comparing standards" and all that follows through "Federal Government";

(2) by redesignating paragraphs (3) through (11) as paragraphs (4) through (12), respectively; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) to compare standards used in scientific investigations, engineering, manufacturing, commerce, industry, and educational institutions with the standards adopted or recognized by the Federal Government and to coordinate the use by Federal agencies of private sector standards, emphasizing where possible the use of standards developed by private, consensus organizations;".

(b) CONFORMITY ASSESSMENT ACTIVITIES.—Section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)) is amended—

(1) by striking "and" at the end of paragraph (11), as so redesignated by subsection (a)(2) of this section;

(2) by striking the period at the end of paragraph (12), as so redesignated by subsection (a)(2) of this section, and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(13) to coordinate Federal, State, local, and private sector standards conformity assessment activities, with the goal of eliminating unnecessary duplication and complexity in the development and promulgation of conformity assessment requirements and measures.".

(c) TRANSMITTAL OF PLAN TO CONGRESS.—The National Institute of Standards and Technology shall, by January 1, 1996, transmit to the Congress a plan for implementing the amendments made by this section.

(d) UTILIZATION OF CONSENSUS STANDARDS BY FEDERAL AGENCIES; REPORTS.—(1) To the extent practicable, all Federal agencies and departments shall use, for procurement and regulatory applications, standards that are developed or adopted by voluntary, private sector, consensus standards bodies.

(2) Federal agencies and departments shall consult with voluntary, private sector, consensus standards bodies, and shall participate with such bodies in the development of standards, as appropriate in carrying out paragraph (1).

(3) If a Federal agency or department elects to develop, for procurement or regulatory applications, standards that are not developed or adopted by voluntary, private sector, consensus standards bodies, the head of such agency or department shall transmit to the Office of Management and Budget, via the National Institute of Standards and Technology, an explanation of the reasons for developing such standards. The Office of Management and Budget, with the assistance of the National Institute of Standards and Technology, shall annually transmit to the Congress explanations concerning exceptions made under this subsection.

SEC. 13. SENSE OF CONGRESS.

It is the sense of the Congress that the Malcolm Baldrige National Quality Award program offers substantial benefits to United States industry, and that all funds appropriated for such program should be spent in support of the goals of the program.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. TANNER] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Science Committee has a long history of encouraging, in a strong bipartisan manner, the transfer of technology and collaboration between our Federal laboratories and industry.

This afternoon, as we consider H.R. 2196, the National Technology Transfer and Advancement Act of 1995, we are following in that tradition.

I am very pleased to have my distinguished colleagues, Science Committee Chairman WALKER, Science committee ranking Member Congressman BROWN, and my Technology Subcommittee ranking member, Congressman TANNER, as original cosponsors of H.R. 2196. Additionally, S. 1164, the Senate companion bill to H.R. 2196, has been introduced by Senator ROCKEFELLER and has passed the Senate Commerce Committee.

I am also very pleased with the strong outside support H.R. 2196 has received. The administration, and a series of Federal agency officials, Federal laboratory directors, as well as a broad spectrum of industry association representatives and private sector officers have all endorsed passage of the Act as an effective method to enhance our Nation's international competitiveness.

Mr. Speaker, successful technology transfer results in the creation of innovative products or processes becoming available to meet or induce market demand. Congress has long tried to encourage technology transfer to the private sector created in our Federal laboratories.

This is eminently logical since Federal laboratories are considered one of our Nation's greatest assets; yet, they are also a largely untapped resource of technical expertise.

The United States has over 700 Federal laboratories, employing one of six scientists in the Nation and occupying one-fifth of the country's lab and equipment capabilities.

It is, therefore, important to our future economic well-being to make the ideas and resources of our Federal laboratory scientists available to United States companies for commercialization opportunities.

Beginning with the landmark Stevenson-Wydler Technology Innovation Act of 1980, through the Federal Technology Transfer Act of 1986, among others, Congress has promoted technology transfer efforts, especially through a cooperative research and development agreement [CRADA].

The CRADA mechanism allows a laboratory and an industrial company to negotiate patent rights and royalties before they conduct joint research, giving the company patent protection for any inventions and products that result from the collaboration. This patent protection provides an incentive for the companies to invest in turning laboratory ideas into commercial products.

A CRADA provides a Federal laboratory with valuable insights into the needs and priorities of industry, and with the expertise available only in industry, that enhances a laboratory's ability to accomplish its mission.

Since the inception in 1986 of the CRADA legislation, over 2,000 have been signed, resulting in the transfer of technology, knowledge, and expertise back and forth between our Federal laboratories and the private sector.

Despite the success of the CRADA legislation, there are, however, existing impediments to private companies entering into a CRADA.

The law was originally designed to provide a great deal of flexibility in the negotiation of intellectual property rights to both the private sector partner and the Federal laboratory.

The law, however, provides little guidance to either party on the adequacy of those rights a private sector partner should receive in a CRADA. Agencies are given broad discretion in the determination of intellectual property rights under CRADA legislation.

This has often resulted in laborious negotiations of patent rights for certain laboratories and their partners each time they discuss a new CRADA.

With options ranging from assigning the company full patent title to providing the company with only a nonexclusive license for a narrow field of use, both sides must undergo this negotiation on the range of intellectual property rights for each CRADA.

This uncertainty of intellectual property rights, coupled with the time and effort required in negotiation, may now be hindering collaboration by the private sector with Federal laboratories.

This, in essence, has become a barrier to technology transfer. Companies are reluctant to enter into a CRADA, or equally important, to commit substantial investments to commercialize CRADA inventions, unless they have some assurance they will control important intellectual property rights.

The National Technology Transfer and Advancement Act of 1995, addresses these concerns, and others, through the following objectives:

First, by promoting prompt deployment by United States industry of discoveries created in a collaborative agreement with Federal laboratories by guaranteeing the industry partner sufficient intellectual property rights to the invention;

Second, by providing important incentives and rewards to Federal laboratory personnel who create new inventions;

Third, by providing several clarifying and strengthening amendments to current technology transfer laws; and

Fourth, by making legislative changes affecting the Fastener Quality Act, the Federal use of standards, and the management and administration of scientific research and standards measurement at the National Institute of Standards and Technology [NIST].

Specifically, H.R. 2196 seeks to enhance the possibility of commercialization of technology and industrial innovation in the United States by providing assurances that sufficient rights to intellectual property will be granted to the private sector partner with a Federal laboratory.

H.R. 2196 guarantees to the private sector partner the option, at minimum, of selecting an exclusive license in a field of use for a new invention created in a CRADA.

The company would then have the right to use the new invention in exchange for reasonable compensation to the laboratory.

The important factor is that industry selects which option makes the most sense under the CRADA. A company will now have the knowledge that they are assured of having no less than an exclusive license in an application area of its choosing.

These statutory guidelines give companies real assurance that they will receive important intellectual property out of any CRADA they fund.

Knowing they have an exclusive claim to the invention will, consequently, give a company both an extra incentive to enter into a CRADA and the knowledge that they can safely invest further in the commercialization of that invention.

In addition, H.R. 2196 addresses concerns about government rights to an invention created in a CRADA. It provides that the Federal Government will retain minimum statutory rights to use the technology for its own purposes.

H.R. 2196 provides limited government "march-in-rights" if there is a public necessity that requires compulsory licensing of the technology.

It also provides important incentives in royalty sharing to Federal laboratory personnel who create new technologies by enhancing the financial incentives and rewards given to Federal laboratory scientists for technology that results in marketable products.

These new incentives respond to criticism made before the Science Committee that agencies are not sufficiently rewarding laboratory personnel for their inventions.

It is important to note that these incentives are paid from the income the laboratories received for commercialized technology, not from tax dollars.

In addition, the Act provides a significant new incentive by allowing the laboratory to use royalties for related scientific research and development, consistent with the objectives and mission of the laboratory.

In this era of limited Federal fiscal resources, as we seek to balance our budget, these important incentives and administrative provisions can be very important to help a laboratory effectively meet its mission.

H.R. 2196 will help facilitate and speed technology cooperation between industry and our Federal laboratories, thus benefiting our economy and our citizens by making a CRADA more attractive to both American industry and Federal laboratories.

The Act is important because it comes at a time when both Federal laboratories and industry need to work closer together for their mutual benefit and our national competitiveness.

I urge all of my colleagues to support this important bill to enhance our Nation's international competitiveness. With today's House passage, H.R. 2196 can be brought to the Senate for its expedited consideration, and then sent to the President for his signature into law.

□ 1800

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2196, the National Technology Transfer and Advancement Act of 1995. I want to commend Chairwoman MORELLA for her continued and strong support of technology transfer from the Federal laboratories. We have worked on this bill in a spirit of bipartisan cooperation and it addresses gaps in our current technology transfer laws.

This is a short bill, the sections dealing with technology transfer are only nine pages, yet it impacts an area of considerable Federal investment. This bill amends and improves existing technology transfer laws affecting more than 700 Federal laboratories. H.R. 2196 enhances the ability of our national laboratories to work with industry to develop and commercialize new technologies.

Cooperative research and development agreements [CRADA's] represent

a sizeable investment by the Federal Government and the private sector. Federal laboratories will have more than 6,000 active cooperative research and development agreements with industry and universities in 1995, representing more than $5 billion in Federal investment and matched by private sector partners.

I have witnessed firsthand the importance of technology transfer in maintaining the vitality of our Federal labs and to the economy. Oak Ridge National Laboratory in Tennessee accounts for almost 20 percent of all CRADA's signed by DOE laboratories and contractors. Since 1990, Oak Ridge National Lab has: Invested more than $320 million in cooperative research with industry; signed more than 280 CRADA's—39 percent of them with small businesses; issued more than 152 technology licenses and has a patent portfolio of over 400 licensable technologies; and, applied for almost 100 patents per year.

These activities have resulted in more than $80 million in sales and have generated $3.5 million in royalty payments to Oak Ridge. More importantly, technology transfer activities at Oak Ridge have fostered more than 55 new business and 3,000 private-sector jobs in the past 10 years—17 new businesses have been created as the result of CRADAs in the past 2 years alone.

Additionally, the bill extends the time that Federal labs have to reinvest royalty payments for scientific research and development at the labs. At a time when we are cutting the labs' budgets, we should allow them to benefit from the fruits of their labors.

The Federal labs are a national resource which should benefit all Americans. The labs have worked for the well-being of Americans since their earliest days and not only in terms of national security. It was in the early 1960's that a team of scientists and engineers from the Oak Ridge National Laboratory working with industry developed a machine and a process that have since been credited with saving millions of lives a year worldwide. In less than 1 year this private/public partnership developed a process and machine for isolating and purifying viruses to create vaccines—most notably to treat influenza.

The vaccines produced by this new process eliminated the sometimes severe side effects common with standard vaccines. Severe allergic reaction prevented the administration of the standard vaccine to the young and the old—the very people who needed it. The unique expertise of Oak Ridge scientists and engineers working with their colleagues in industry made this possible.

We should strengthen and build upon the 30-year tradition of cooperation between the national labs and industry. H.R. 21961 makes it easier for the Government and industry to work together—each contributing their respective strengths. We have invested billions of dollars in our research infrastructure and we shouldn't just rely on luck and hope that this investment will be fully utilized.

The bill provides needed incentives to promote public-private technology partnerships. H.R. 2196 deserves our support.

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I want to thank the gentleman from Tennessee [Mr. TANNER] for his comments and for his support. He does exemplify, as does the gentleman from California [Mr. BROWN], bipartisan cooperation on this bill and in other legislation that enhances our competitiveness.

Mr. Speaker, I yield 7 minutes to the gentleman from Minnesota [Mr. GUTKNECHT], a very distinguished member of the subcommittee.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentlewoman and the chairman for yielding time to me.

Mr. Speaker, I rise today in support of H.R. 2196 the National Technology Transfer and Advancement Act of 1995. This legislation will encourage the transfer of basic science and research information from the Federal laboratories to the private sector. This bill also makes important and necessary changes to the Fastener Quality Act.

These changes are of great importance to my constituents who are employed in the fastener industry. One of the fastest growing and best-run companies in the United States is based in Winona, Minnesota. The Fasten all Company is one of the dominant forces in the fastener industry.

Interestingly, Mr. Speaker, they would probably benefit, or probably do benefit, from some of the rules and regulations currently enacted, but they have told me that whether they benefit or not, it actually, in the long run, is bad for business and industry.

In 1990, the 101st Congress enacted the Fastener Quality act to answer concerns that counterfeit and substandard fasteners posed a threat to our national defense and our public safety. In most cases, counterfeit and substandard fasteners are two separate problems.

While well-meaning in nature, the original Fastener Quality Act required that fasteners be tested, inspected, and certified by accredited laboratories before being distributed to the market. Fastener manufacturers were required to register their fastener headmarkings with the Patent and Trademark Office and keep certification of performance and a copy of the test report on file. These requirements are typical of unnecessary regulations which previous Congresses have dictated.

Today, we would be acting on the recommendations which have been made by the Fastener Advisory Committee, amending the Fastener Quality Act. The Fastener Advisory Committee, created by Congress, determined that the Fastener Quality Act will have an unintended detrimental impact on business. The Fastener Advisory committee reported that without these recommended changes, the cumulative burden of cost on the fastener industry could be close to $1 billion for absolute compliance to the Fastener Quality Act.

The Committee has adopted recommendations in this legislation for amending the Fastener Quality Act that were submitted in March of 1992, and then again in February of 1995, to the Congress by the Fastener Advisory Committee.

□ 1815

Such recommendations were the result of nine public meetings by the Fastener Advisory Committee involving more than 2,000 pages of transcript documenting the need for the amendments. Subsequent to the recommendations to Congress, the National Institute of Standards and Technology [NIST] published proposed implementing regulations for public comment in August 1992. More than 300 letters were received from the public. Over 70 percent of the letters supported the recommendations of the Fastener Advisory Committee for amending the act.

I urge all members to support this important legislation.

Mrs. MORELLA. Mr. Speaker, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Speaker, the gentleman is correct regarding the great extent we have undertaken to work out these amendments with the fastener industry.

We listened to the Fastener Advisory Committee, its Fastener Public Law Task Force, and other representatives from the manufacturing, importing, and distribution sectors of the United States fastener industry in crafting these amendments to the Fastener Quality Act.

The task force represents 85 percent of all United States companies and their suppliers involved in the manufacture, distribution, and importation of fasteners and over 100,000 employees in all 50 States.

The section focuses mainly on mill heat certification, mixing of like-certified fasteners, and sale of fasteners with minor nonconformances. The act will maintain safety, reduce the unnecessary burdens on industry, and ensure proper enforcement of the Fastener Quality Act.

In addition to the fastener provisions in the bill, I believe it is important to note the other major provisions in the act. These include some very important administrative and management

changes to the National Institute of Standards and Technology (NIST), which include making permanent the NIST Personnel Demonstration Project.

This project has helped NIST recruit and retain the best and the brightest scientists to meet its scientific research and measurement standards mission.

Also, included in the act are provisions affecting the Federal involvement in the use of standards and its development. Standards play a crucial role in all facets of daily life and in the ability of the Nation to compete in the global marketplace.

The United States, unlike the federalized standards system of most other countries, relies heavily on a decentralized, private sector-based, voluntary consensus standards system.

This unique consensus-based voluntary system has served us well for over a century and has contributed significantly to United States competitiveness, health, public welfare, and safety.

Playing an important role in maintaining a future competitive edge is the ability to develop standards which match the speed of the rapidly changing technology of the marketplace.

The key challenge is to update domestic standards activities, in light of increased internationalization of commerce, and to reduce duplication and waste by effectively integrating the Federal Government and private sector resources in the voluntary consensus standards system, while protecting its industry-driven nature and the public good.

Better coordination of Federal standards activities is clearly crucial to this effort. These issues were raised by the National Research Council (NRC) in its March 1995, report entitled, "Standards, Conformity Assessment, and Trade in the 21st Century."

We have adopted some of the recommendations in the NRC report clarifying NIST's lead role in the implementation of a government-wide policy of phasing out the use of federally-developed standards, wherever possible, in favor of standards developed by private sector, consensus standards organizations. We also adopted the recommendation to codify the present requirements of OMB Circular A–119, which requires agencies, through OMB, to report annually to Congress on the reasons for deviating from voluntary consensus standards, when the head of the agency deems that prospective consensus standards are not appropriate to the agency needs.

Mr. Speaker, I thank the gentleman for yielding so that I could put into the RECORD and explain the benefits of the statements that he made with regard to standards.

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, this is a good bill for many reasons. It will create more jobs, it will provide incentives for important scientific inventions, and it is going to make it easier to give or loan equipment to our schools, Federal equipment.

But it is also a bill that is important in another very important technological way, and that is for stimulating commercialization of the research being done in our national laboratories. I represent one of them, Los Alamos National Laboratory, and it is going to benefit enormously from this legislation.

What this bill also does, it extends the Federal charter and set-aside for the Federal Laboratory Consortium for Technology Transfer. This charter was created through the hard work of Dr. Eugene Stark at the Los Alamos Laboratory.

The set-aside has provided very stable annual funding to the consortium which has permitted technology transfer officers of the various laboratories to work together. The Federal Laboratory Consortium members are linked together electronically, which enables them to help businesses find out what other Federal laboratories have expertise in specific areas.

So my colleagues know, what we are trying to do is get the labs more into economic competitiveness, into commercialization, so that their science can be used commercially for the best economic interests of the country. For example, if an agriculturally oriented business in New Mexico or Tennessee went to the technology transfer officers at Los Alamos with a problem, Los Alamos would be able to find out if any of the laboratories in the Departments of Agriculture or Interior could have expertise that is useful to that company.

The bill also gives far better incentives to Federal inventors, who are an imperative necessity to our national security. Currently, inventors receive only 15 percent of the royalty stream from their inventions, meaning that most inventions have produced less than $2,000 per year. By changing the calculation so that agencies pay inventors the first $2,000 of the royalties receive by the agency for the inventions, as well as 15 percent of the royalties above that amount, the bill provides incentives that these employees can use and give them more equitable compensation.

Finally, this bill clarifies that a Federal laboratory, agency, or department may give, loan, or lease excess scientific equipment to public and private schools and nonprofit organizations without regard to Federal property disposal laws.

Therefore, if for instance Los Alamos or Sandia or any of our national labs wanted to donate unused equipment to a university, it would not have to go through the bureaucratic redtape that is now required. Some labs would rather store their unwanted equipment rather than going through the hassle of GSA disposal.

This is a good bill, especially a good bill to all of us who have Federal laboratories in our districts, and that is about 14 States around the country and approximately 130 Members of Congress have lab components in their districts. It advocates technology transfer, it creates incentives for Federal inventors, and it makes it easier to donate equipment to needy schools.

I want to commend the author of the bill, the gentleman from Tennessee [Mr. TANNER], I want to commend the gentlewoman from Maryland [Mrs. MORELLA], and I see the fingerprints of the gentleman from California [Mr. BROWN], the former Science chairman, all over this bill.

Mrs. MORELLA. Mr. Speaker, I include in the RECORD a letter dated December 12, 1995 to the gentleman from Pennsylvania [Mr. WALKER], the chairman of the Committee on Science, from the administration, Ron Brown, indicating the administration's support of the Fastener Quality Act as it is contained in H.R. 2196.

THE SECRETARY OF COMMERCE,
Washington, DC, December 12, 1995.

Hon. ROBERT S. WALKER,
Chairman, Committee on Science,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter seeking the Administration's position on the amendments to Public Law No. 101–592, the Fastener Quality Act, contained in H.R. 2196, The National Technology Transfer and Advancement At of 1995. The Administration supports the amendments to the Fastener Quality Act included in H.R. 2196.

Again, thank you for your letter. Please let me know if you have any additional questions.

Sincerely,

RONALD H. BROWN.

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. I thank the gentleman for yielding me this time. I would like to engage in a colloquy with the Congresswoman from Maryland [Mrs. MORELLA]. It will cover some of the subjects she has already spoken eloquently about.

There has been concern expressed in parts of the executive branch regarding section 12(d) of this bill which is our committee's codification of OMB Circular A–119 which the gentlewoman has referred to. I would like to be reassured that the Congresswoman's understanding is consistent with my understanding of the scope of Section 12(d).

First, the term "voluntary, private sector, consensus standards bodies" is used throughout the section but is not defined. I assume that the voluntary consensus standards bodies referred to in this section are our nation's standards development organizations such as the American Society for Testing and Materials, the American Society of Mechanical Engineers, the American Petroleum Institute, and the Society of Automotive Engineers and the umbrella organization, the American National Standards Institute.

Mrs. MORELLA. Mr. Speaker, if the gentleman would yield, he is correct. We used voluntary consensus standards in the same manner that it would be used in the engineering and standards communities when they talk about technical, mechanical, or engineering standards. The private sector consensus standards bodies covered by the act are engineering societies and trade associations as well as organizations whose primary purpose is development or promotion of standards. The standards they develop are the common language of measurement, used to promote interoperability and ease of communications in commerce. We meant to cover only those standards which are developed through an open process in which all parties and experts have ample opportunity to participate in developing the consensus embodied in that standard. Our use of the term "private sector" is meant to indicate that these standards are developed by umbrella organizations located in the private sector rather than to preclude government involvement in standards development. In fact, it is my hope that this section will help convince the Federal Government to participate more fully in these organizations' standards developing activities to increase the likelihood that the standards can meet public sector as well as private sector needs.

Mr. BROWN of California. I would assume from your comments that you would expect a rule of reason to prevail in the implementation of this section and that new bureaucratic procedures would be inconsistent with the intent of this section.

Mrs. MORELLA. If the gentleman would yield further, that was our intent in beginning the section with the words "To the extent practicable". For instance, we would expect Government procurements of off-the-shelf commercial products or commodities to be exempted by regulation from any review under the act. We also do not intend through this section to limit the right of the Government to write specifications for what it needs to purchase. Our focus instead is on making sure the Federal Government does not reinvent the wheel. We are merely asking Federal agencies to make all reasonable efforts to use voluntary, private sector, consensus standards unless there is a significant reason not to do so when developing regulations or describing systems, equipment, components, commodities, and other items for procurement. We expect Government specifications to use the private sector's standards language rather than unique government standards whenever practicable to do so. However, as under OMB Circular A–119, agencies would still have broad discretion to decline to use a voluntary standard if the agency formally determined that the standard was inadequate for government, did not meet statutory criteria, or was otherwise inappropriate.

Mr. BROWN of California. I thank the gentlewoman for her clarification. I agree with the gentlewoman and thank her for her explanations. I hope that they will assist in the interpretation of the meaning of the language of the bill.

□ 1830

Mr. Speaker, with the permission of the gentleman from Tennessee, I would like to make a few concluding remarks with regard to my general support of the legislation.

I do rise in support of H.R. 2196, the Technology Transfer and Advancement Act of 1995, a bill which does make significant incremental steps in the proper direction in Federal technology and laboratory policies. Previous speakers have indicated the importance of the Federal laboratories as a part of the Nation's scientific and technological infrastructure, and I would like to reinforce those statements in every way that I can.

I would like to also mention again, because the gentlewoman from Maryland has already mentioned it, that there is nothing in this bill more important than the provision which makes the personnel system at the National Institutes of Standards and Technology permanent. A decade has now passed since the Packard committee recommendations on civil service reform for scientists and engineers were presented to the Congress. This is a report worth dusting off and reading anew.

Then science committee chairman Don Fuqua pushed related legislation which resulted in a personnel experiment at NIST. For 8 years NIST has strived under a merit-based clone of progressive private sector personnel systems, and the results are obvious, they are impressive, and they are cheaper than the old way of doing business.

One of the lesser known and least controversial provisions of last year's competitive legislation was our attempt to make the NIST experimental personnel system its permanent one.

I am happy the committee has seen fit to report our provisions unchanged because it is exactly what NIST needs to continue to attract its fair share of the best and the brightest, and I want to particularly commend the chairwoman of this subcommittee for persevering in getting through the enactment of this very important piece of our bills.

I am also pleased with the standards provisions in the bill, and I will abbreviate my remarks on that somewhat. But it will do a great deal in rationalizing the procurement of all Federal Government needs, particularly in the Defense Department.

The legislation also makes changes that will be beneficial to NIST, to other Federal labs and to the Federal laboratory consortium, some which have been mentioned by both the gentlewoman from Maryland [Mrs. MORELLA] and the gentleman from New Mexico [Mr. RICHARDSON].

I do have some reservations about the process really which led to the inclusion of the Fastener Quality Act amendments in this bill. I do believe that the Fastener Quality Act does need some improvements. This bill provides it, but I was not happy with the process with which this was done. I have criticized this before. I will not belabor it. We have brought this same language to the floor several times. It was defective each time because there was not a process of committee hearings and review which would have corrected some of the problems.

I think, but I am still not sure, that all the problems have been corrected. I sincerely trust this is the case because I know the importance of having a good set of rules on the books to deal with this very important problem.

Having said this mild criticism, I want to make it clear the bill is well worth voting for in almost all respects, statutory proof that the two parties can work closely together on important legislation and, when they do so, as in the present case, the American people emerge the winners.

Mr. Speaker, I rise in support of H.R. 2196, the Technology Transfer and Advancement Act of 1995, a bill which makes significant incremental steps in the proper direction in Federal technology and laboratory policy.

I consider nothing in the bill more important than the provision which makes the personnel system at the National Institute of Standards and Technology permanent. A decade has now passed since David Packard's recommendations on civil service reform for scientists and engineers were presented to the Congress. This is a report worth dusting off and reading anew. Then Science Committee Chairman Don Fuqua pushed related legislation which resulted in a personnel experiment at NIST. For 8 years NIST has thrived under a merit-based clone of progressive private sector personnel systems and the results are obvious, impressive, and cheaper than the old way of doing business. One of the lesser known and least controversial provisions of last year's competitiveness legislation was our attempt to make the NIST experimental personnel system, its permanent one. I am happy

that the Committee has seen fit to report our provision unchanged because it is exactly what NIST needs to continue to attract its fair share of the best and the brightest.

I am also pleased with the standards provisions contained in this bill. One of Secretary of Defense Perry's biggest achievements is his replacement of most of his Department's military specifications with private sector standards. This action may have put a bigger dent to government waste than any other during my tenure in Washington. It is also one of the biggest victories of common sense over business as usual. Why should the government spend the money to design, test, and procure unique parts and equipment in instances where it can be shown equally good ones have stood the test of the commercial marketplace. What Secretary Perry did was reverse the burden of proof. Anyone who wants to develop a standard or a specification now has to justify why private sector standards won't solve the problem. This bill extends the Perry philosophy to all government regulatory and procurement standards using agency heads, OMB, and NIST as those who must be convinced that a problem is so unique that the private sector does not have a solution. This is a problem that our committee worked on during my entire tenure as chairman and I am happy that our current majority leadership is taking our work a step forward.

This legislation also makes changes that will be beneficial to NIST, to the Federal labs, and to the Federal laboratory consortium. Some came from last Congress' Morella-Rockefeller legislation; some came from our competitiveness bill. All are non-controversial and welcome changes.

There is only one cloud on the horizon—one set of actions which cause me to qualify my endorsement of this legislation ever so slightly. This is the unfortunate way in which the complicated issue of the Fastener Quality Act Amendments has been handled which I might say stands in contrast to the care with which the rest of the bill was handled. I regret that the committee did not see fit to hold hearings or publicly seek advice on these complicated changes to a rather important piece of public health and safety legislation. I expect if we had set up hearings and carefully listened to all sides on this issue that we would have ended up with a stronger bill and without the embarrassment of having to make technical changes on the floor, in the committee, and then on the floor again.

That said, I want to make it clear that HR 2196 in my opinion is a bill well worth voting for and in almost all respects statutory proof that the two parties can work closely together on important legislation and when they do so, as in this case, the American people emerge the winners.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

I have no one else who wishes to speak on this bill, but again I want to reiterate what the gentleman from California [Mr. BROWN] said and the gentleman from Tennessee [Mr. TANNER] had said before in the fact that this is an excellent example of bipartisan working together in the best interests of our country and our national competitiveness.

I urge all of my colleagues to support this important bill to enhance our competitiveness.

Mr. WALKER. Mr. Speaker, I commend the gentlelady from Maryland for her leadership in bringing H.R. 2196, the National Technology Transfer and Advancement Act of 1995, to the floor.

As chair of the Science Committee, I am proud of the committee's rich tradition of promoting technology transfer from our Federal laboratories. Beginning with the Stevenson-Wydler Technology Innovation Act of 1980, the Science Committee has originated legislation which has stimulated and increased the quality of technology in the United States.

The Stevenson-Wydler Act required Federal laboratories to take an active role in technical cooperation and established technology transfer offices at all major Federal laboratories. The landmark Stevenson-Wydler Act legislation was expanded considerably by the Federal Technology Transfer Act of 1986, which allowed a government-owned, government-operated [GOGO] laboratory staffed by Federal employees to enter into a Cooperative Research and Development Agreement [CRADA] with industry, universities, and others. The National Competitiveness Technology Transfer Act of 1989 extended the CRADA authority to a government-owned, contractor-operated [GOCO] laboratory such as the Department of Energy laboratories.

These acts have permitted the private sector to develop cooperative research and development agreements [CRADA] with our Federal laboratories, thereby providing them access to the expertise of the engineers, scientists, and facility resources of our national labs. In a CRADA, the laboratories can contribute people, facilities, equipment, and ideas, but not funding, while the private sector companies contribute people and funding.

H.R. 2196 provides guidelines that simplify the negotiation of a CRADA—addressing a major concern of private sector companies—and, in the process, gives companies greater assurance they will share in the benefits of the research they fund.

As a result, the act will reduce the time and effort required to develop a CRADA, reduce the uncertainty that can deter companies from working with the Government, and thus speed the transfer and commercialization of laboratory technology to the American public. The act is an important step toward making our Government's huge investment in science and technology—made primarily to carry out important Government missions—more useful to interested commercial companies and our economy.

By rethinking and improving the method our Government conducts its business, without the need to invoke new spending authority, H.R. 2196 signals a new approach to government technology policy legislation.

I am also very pleased that H.R. 2196 includes amendments to the Fastener Quality Act. These amendments are very important to the fastener industry and the need to include these changes to the current act is clear. When this committee marked up the Fastener Quality Act in 1991, I attached an amendment to form the Fastener Advisory Committee. This committee was to determine if the act would have a detrimental impact on business. The Fastener Advisory Committee reported that without their recommended changes the burden of cost would be close to $1 billion on the fastener industry.

We attempted in the last Congress to amend the law, but unfortunately, were not successful. We had language pass the House and the Senate; however, the language died in conference.

The act addresses the concerns of the Fastener Advisory Committee regarding mill heat certification, mixing of like certified fasteners, and sale of minor non-conformances.

Working with this Congress and NIST, the Fastener Public Law Task Force, comprised of members from manufacturing, importing, and distributing, has worked to improved the law while maintaining safety and quality. The Public Law Task Force represents 85 percent of all companies involved in the manufacture, distribution, and importation, of fasteners and their suppliers in the United States.

Combined, the task force represents over 100,000 employees in all 50 States. We have worked with both sides of the aisle, the administration, manufacturers, distributors, and importers to reach this solution and I support the changes to the Fastener Quality Act.

I also support the provisions in the act which relate to standards conformity. The act restates existing authorities for National Institute of Standards and Technology [NIST] activities in standards and conformity assessment and requires NIST to coordinate among Federal agencies, survey existing State and Federal practices, and report back to Congress on recommendations for improvements in these activities.

In addition, the act codifies, OMB circular A–119 requiring Federal agencies to adopt and use standards developed by voluntary consensus standards bodies and to work closely with those organizations to ensure that the developed standards are consistent with agency needs. These provisions are very important since they will have the effect of assisting agencies in focusing their attention on the need to work with private sector, voluntary consensus standards bodies.

As an original cosponsor, I urge support for the passage of H.R. 2196, the National Technology Transfer and Advancement Act.

Mr. DINGELL. Mr. Speaker, the bill being considered today includes numerous amendments to the Fastener Quality Act.

The Committee on Energy and Commerce's Subcommittee on Oversight and Investigations conducted a multiyear, indepth investigation of counterfeit and substandard fasteners that ultimately led to the enactment of the Fastener Quality Act on November 16, 1990. Unfortunately, the regulations implementing the law have not yet been issued by the National Institute on Standards and Technology [NIST] and are now more than 4 years overdue.

During the last Congress, as part of the National Competitiveness Act, amendments to the Fastener Quality Act were passed by the House. The amendments adopted related to heat mill certification and minor nonconformance. In its bill, the Senate included the same amendments, plus an additional amendment that would have permitted commingling at all levels of the industry—from manufacturing

through distribution. I, as well as the administration, opposed this amendment because it would seriously undermine safety and accountability under the law. Because efforts to pass the underlying bill were unsuccessful, the fastener amendments were not enacted into law and NIST has made no effort to issue the long overdue implementing regulations.

The bill before us includes amendments on heat mill certification, minor nonconformance, commingling, as well as other amendments. The commingling amendment appears to be more limited in scope than the previous Senate provision and allows purchasers to request lot traceability. There are additional amendments to the Fastener Quality Act that also appear in the bill. To my knowledge, no hearings have been held on these amendments by any congressional committee nor has any adequate explanation or justification been advanced for these provisions, other than that certain fastener industry interests support them.

I note that Chairman BLILEY recently wrote Chairman WALKER, making it clear that the Commerce Committee has not waived its jurisdictional concerns about the legislation and requesting that members of the Commerce Committee be named as equal conferees on fastener provisions in any ensuing House-Senate conference. I wish to express my support for Chairman BLILEY's request and trust that we will be able to have an opportunity to participate fully in any conference on these issues of great importance to public safety.

Mr. OXLEY. Mr. Speaker, I rise to address the amendments to the Fastener Quality Act which are in H.R. 2196.

The Fastener Quality Act is the result of a 4-year-long study by the Oversight and Investigations Subcommittee of the Committee on Commerce. The statute requires testing and labeling procedures for certain grades of bolts and fasteners subject to high degrees of stress, such as in military and aerospace applications. The requirements of the Fastener Quality Act were designed to prevent the use of substandard bolts in applications where, if they were to fail, death or injury could occur.

The Commerce Committee and the Science Committee have a long history of working together on this act. After the Commerce Committee Oversight and Investigations Subcommittee investigation, our committees worked together to secure passage of this legislation in the 101st Congress and the amendments to the Fastener Act contained in this legislation.

Mr. Speaker, the amendments to the Fastener Quality Act included in this legislation are almost identical to those passed by the House in H.R. 2405 earlier this year. These amendments simply restore the original intent of the Fastener Quality Act. Additionally, they provide for notice and comment on the appropriate threshold standard to assess a significant alteration with respect to the electroplating of fasteners. The Committee on Commerce has no objection to these amendments and urges their adoption.

Mrs. MORELLA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TANNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland [Mrs. MORELLA] that the House suspend the rules and pass the bill, H.R. 2196, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2196, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTION TO DISPOSE OF REMAINING SENATE AMENDMENT TO H.R. 1868, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

Mr. GOSS, from the Committee on Appropriations, submitted a privileged report (Rept. No. 104–399) on the resolution (H.R. 296) providing for consideration of a motion to dispose of the remaining Senate amendment to the bill (H.R. 1858) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING A REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–400) on the resolution (H. Res. 297) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

VETERANS HOUSING, EMPLOYMENT PROGRAMS, AND EMPLOYMENT RIGHTS BENEFITS ACT OF 1995

Mr. STUMP. Mr. Speaker, I move the House suspend the rules and pass the bill (H.R. 2289) to amend title 38, United States Code, to extend permanently certain housing programs, to improve the veterans employment and training system, and to make clarifying and technical amendments to further clarify the employment and reemployment rights and responsibilities of members of the uniformed services, as well as those of the employer community, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Housing, Employment Programs, and Employment Rights Benefits Act of 1995".

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—VETERANS' HOUSING PROGRAMS

SEC. 101. EXTENSIONS OF CERTAIN VETERANS' HOUSING PROGRAMS.

(a) NEGOTIATED INTEREST RATES.—Paragraph (4) of section 3703(c) is amended by striking out subparagraph (D).

(b) ENERGY EFFICIENT MORTGAGES.—Section 3710(d) is amended—

(1) in paragraph (1), by striking out "to demonstrate the feasibility of guaranteeing" and inserting in lieu thereof "to guarantee"; and

(2) by striking out paragraph (7).

(c) ENHANCED LOAN ASSET SALE AUTHORITY.—Section 3720(h)(2) is amended by striking out "1995" and inserting in lieu thereof "2000".

(d) AUTHORITY OF LENDERS OF AUTOMATICALLY GUARANTEED LOANS TO REVIEW APPRAISALS.—Section 3731(f) is amended by striking out paragraphs (3), (4), and (5).

(e) HOUSING ASSISTANCE FOR HOMELESS VETERANS.—Section 3735 is amended by striking out subsection (c).

SEC. 102. CODIFICATION OF REPORTING REQUIREMENTS AND CHANGES IN THEIR FREQUENCY.

(a) CODIFICATION OF HOUSING RELATED REPORTING REQUIREMENTS.—(1) Chapter 37 is amended by adding after section 3735 the following new section:

"§ 3736. Reporting requirements

The annual report required by section 529 of this title shall include a discussion of the activities under this chapter. Beginning with the report submitted at the close of fiscal year 1996, and every second year thereafter, this discussion shall include information regarding the following:

"(1) Loans made to veterans whose only qualifying service was in the Selected Reserve.

"(2) Interest rates and discount points which were negotiated between the lender and the veteran pursuant to section 3703(c)(4)(A)(i) of this title.

"(3) The determination of reasonable value by lenders pursuant to section 3731(f) of this title.

"(4) Loans that include funds for energy efficiency improvements pursuant to section 3710(a)(10) of this title.

"(5) Direct loans to Native American veterans made pursuant to subchapter V of this chapter.".

(2) The table of sections at the beginning of chapter 37 is amended by inserting after the item relating to section 3735 the following new item:

"3736. Reporting requirements.".

(b) REPEAL OF SUPERSEDED REPORTING REQUIREMENTS.—The Veterans Home Loan Program Amendments of 1992 (Public Law 102–547; 106 Stat. 3633) is amended by striking out sections 2(c), 3(b), 8(d), 9(c), and 10(b).

SEC. 103. JOB PLACEMENT FOR HOMELESS VETERANS.

(a) HOMELESS VETERANS EMPLOYMENT PROGRAM.—Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended—

(1) in subparagraph (A), by striking out "1993" and inserting in lieu thereof "1996";

(2) in subparagraph (B)—

(A) by striking out "$12,000,000" and inserting in lieu thereof "$10,000,000", and

(B) by striking out "1994" and inserting in lieu thereof "1997"; and

(3) in subparagraph (C)—

(A) by striking out "$14,000,000" and inserting in lieu thereof "$10,000,000", and

(B) by striking out "1995" and inserting in lieu thereof "1998".

(b) GENERAL AUTHORIZATION OF APPROPRIATIONS.—Section 739(a) of such Act (42 U.S.C. 11448(a)) is amended by striking out "fiscal years 1994 and 1995" and inserting in lieu thereof "fiscal years 1996, 1997, and 1998".

(c) EXTENSION OF PROGRAM.—Section 741 of such Act (42 U.S.C. 11450) is amended by striking out "1995" and inserting in lieu thereof "1998".

TITLE II—VETERANS' EMPLOYMENT AND TRAINING

SEC. 201. REGIONAL OFFICES FOR VETERANS' EMPLOYMENT AND TRAINING.

Paragraph (1) of section 4102A(e) is amended to read as follows:

"(1) The Secretary of Labor shall assign regional administrators for Veterans' Employment and Training in such regions, which may not be less than five in number, as the Secretary may determine are necessary for the effective administration of the Veterans' Employment and Training Service. Each regional administrator appointed after the date of the enactment of the Veterans Housing, Employment Programs, and Employment Rights Benefits Act of 1995 shall be a veteran.".

SEC. 202. SUPPORT PERSONNEL FOR DIRECTORS OF VETERANS' EMPLOYMENT AND TRAINING.

Subsection (a) of section 4103 is amended—

(1) in the first sentence, by striking out "full-time Federal clerical support" and inserting in lieu thereof "full-time Federal clerical or other support personnel"; and

(2) in the third sentence, by striking out "Full-time Federal clerical support personnel" and inserting in lieu thereof "Full-time Federal clerical or other support personnel".

SEC. 203. DIRECTORS AND ASSISTANT DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.

Subparagraph (B) of section 4103(b)(1) is amended to read as follows:

"(B) A person who serves in the position of Director for Veterans' Employment and Training or Assistant Director of Veterans' Employment Training for any State for not less than two years is eligible for appointment as such a Director or Assistant Director for any State, regardless of the period of the person's residence in that State.".

SEC. 204. PILOT PROGRAM TO INTEGRATE AND STREAMLINE FUNCTIONS OF LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) AUTHORITY TO CONDUCT PILOT PROGRAM.—In order to assess the effects on the timeliness and quality of services to veterans resulting from re-focusing the staff resources of local veterans' employment representatives, the Secretary of Labor is authorized to conduct a pilot program under which the primary responsibilities of local veterans' employment representatives will be case management and the provision and facilitation of direct employment and training services to veterans.

(b) AUTHORITIES UNDER CHAPTER 41.—To implement the pilot program, the Secretary is authorized to suspend or limit application of those provisions of chapter 41 (other than sections 4104 (b)(1) and (c)) of such title that pertain to the Local Veterans' Employment Representative Program in States designated by the Secretary under subsection (d), except that the Secretary may use the authority of chapter 41, as the Secretary may determine, in conjunction with the authority of this section, to carry out the pilot program. The Secretary may collect such data as the Secretary considers necessary for assessment of the pilot program. The Secretary shall measure and evaluate on a continuing basis the effectiveness of the pilot program in achieving its stated goals in general, and in achieving such goals in relation to their cost, their effect on related programs, and their structure and mechanisms for delivery of services.

(c) TARGETED VETERANS.—Within the pilot program, eligible veterans who are among groups most in need of intensive services, including disabled veterans, economically disadvantaged veterans, and veterans separated within the previous four years from active military, naval, or air service shall be given priority for service by local veterans' employment representatives. Priority for the provision of service shall be given first to disabled veterans and then to the other categories of veterans most in need of intensive services in accordance with priorities determined by the Secretary of Labor in consultation with appropriate State labor authorities.

(d) STATES DESIGNATED.—The pilot program shall be limited to not more than five States to be designated by the Secretary of Labor.

(e) REPORTS TO CONGRESS.—(1) One year after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress and the Committees on Veterans' Affairs of the Senate and the House of Representatives, an interim report describing in detail the development and implementation of the pilot program on a State by State basis.

(2) Not later than 120 days after the expiration of this section under subsection (h), the Secretary of Labor shall submit to Congress and the Committees on Veterans' Affairs of the Senate and the House of Representatives, a final report evaluating the results of the pilot program and make recommendations based on the evaluation, which may include legislative recommendations.

(f) DEFINITIONS.—For the purposes of this section—

(1) the term "veteran" has the meaning given such term by section 101(2) of title 38, United States Code;

(2) the term "disabled veteran" has the meaning given such term by section 4211(3) of such title; and

(3) the term "active military, naval, or air service" has the meaning given such term by section 101(24) of such title.

(g) AUTHORIZATION.—There is authorized to be appropriated for the pilot program, in the States designated by the Secretary of Labor pursuant to subsection (d), the amount allocated to such States under section 4102A(b)(5) of title 38, United States Code, for fiscal years 1996, 1997, and 1998.

(h) EXPIRATION DATE.—Except as provided by subsection (e), this section shall expire on October 1, 1998.

TITLE III—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

SEC. 301. PURPOSES.

Section 4301(a)(2) is amended by striking out "under honorable conditions".

SEC. 302. DEFINITIONS.

Section 4303(16) is amended by inserting "national" before "emergency".

SEC. 303. DISCRIMINATION AGAINST PERSONS WHO SERVE IN THE UNIFORMED SERVICES AND ACTS OF REPRISAL PROHIBITED.

Section 4311 is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) An employer may not discriminate in employment against or take any adverse employment action against any person because such person (1) has taken an action to enforce a protection afforded any person under this chapter, (2) has testified or otherwise made a statement in or in connection with any proceeding under this chapter, (3) has assisted or otherwise participated in an investigation under this chapter, or (4) has exercised a right provided for in this chapter. The prohibition in this subsection shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

"(c) An employer shall be considered to have engaged in actions prohibited—

"(1) under subsection (a), if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation for service; or

"(2) under subsection (b), if the person's (A) action to enforce a protection afforded any person under this chapter, (B) testimony or making of a statement in or in connection with any proceeding under this chapter, (C) assistance or other participation in an investigation under this chapter, or (D) exercise of a right provided for in this chapter, is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such person's enforcement action, testimony, statement, assistance, participation, or exercise of a right.

"(d) The prohibitions in subsections (a) and (b) shall apply to any position of employment, including a position that is described in section 4312(d)(1)(C).".

SEC. 304. REEMPLOYMENT RIGHTS OF PERSONS WHO SERVE IN THE UNIFORMED SERVICES.

(a) INCLUSION OF PREPARATION AND TRAVEL TIME PRIOR TO SERVICE.—Section 4312(a) is amended by striking out "who is absent from a position of employment" and inserting in lieu thereof "whose absence from a position of employment is necessitated".

(b) LIMITATION ON SERVICE EXEMPTION TO WAR OR NATIONAL EMERGENCY.—Section 4312(c)(4)(B) is amended to read as follows:

"(B) ordered to or retained on active duty (other than for training) under any provision of law because of a war or because of a national emergency declared by the President or the Congress as determined by the Secretary concerned;".

(c) BRIEF, NONRECURRENT PERIODS OF SERVICE.—Section 4312(d)(2)(C) is amended by striking out "is brief or for a nonrecurrent period and without a reasonable expectation" and inserting in lieu thereof "is for a brief, nonrecurrent period and there is no reasonable expectation".

(d) CONFORMING AMENDMENTS TO REDESIGNATIONS IN TITLE 10.—Section 4312(c) is amended—

(1) in paragraph (3), by striking out "section 270" and inserting in lieu thereof "section 10147"; and

(2) in paragraph (4)—

(A) by striking out "section 672(a), 672(g), 673, 673b, 673c, or 688" in subparagraph (A) and inserting in lieu thereof "section 688, 12301(a), 12301(g), 12302, 12304, or 12305";

(B) by striking out "section 673b" in subparagraph (C) and inserting in lieu thereof "section 12304"; and

(C) by striking out "section 3500 or 8500" in subparagraph (E) and inserting in lieu thereof "section 12406".

SEC. 305. REEMPLOYMENT POSITIONS.

Section 4313(a)(4) is amended—

(1) by striking out "uniform services" in clause (A)(ii) and inserting in lieu thereof "uniformed services"; and

(2) by striking out "of lesser status and pay which" and inserting in lieu thereof "which is the nearest approximation to a position referred to first in clause (A)(i) and then in clause (A)(ii) which".

SEC. 306. LEAVE.

Section 4316(d) is amended by adding at the end the following new sentence: "No employer may require any such person to use vacation, annual or similar leave during such period of service.".

SEC. 307. HEALTH PLANS.

Section 4317(a) is amended—

(1) by striking out "(a)(1)(A) subject to paragraphs (2) and (3), in" and inserting in lieu thereof "(a)(1) In";

(2) by redesignating clauses (i) and (ii) of paragraph (1) (as amended by paragraph (1) of this section) as subparagraphs (A) and (B), respectively;

(3) by redesignating subparagraph (B) as paragraph (2); and

(4) by redesignating subparagraph (C) as paragraph (3), and in that paragraph by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), and by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

SEC. 308. EMPLOYEE PENSION BENEFIT PLANS.

The last sentence of section 4318(b)(2) is amended by striking out "services," and inserting in lieu thereof "services, such payment period".

SEC. 309. ENFORCEMENT OF EMPLOYMENT OR REEMPLOYMENT RIGHTS.

(a) TECHNICAL AMENDMENT.—The second sentence of section 4322(d) is amended by inserting "attempt to" before "resolve".

(b) NOTIFICATION.—Section 4322(e) of is amended—

(1) in the matter preceding paragraph (1), by striking out "with respect to a complaint under subsection (d) are unsuccessful," and inserting in lieu thereof "with respect to any complaint filed under subsection (a) do not resolve the complaint,"; and

(2) in paragraph (2), by inserting "or the Office of Personnel Management" after "Federal executive agency".

SEC. 310. ENFORCEMENT OF RIGHTS WITH RESPECT TO A STATE OR PRIVATE EMPLOYER.

Section 4323(a) is amended—

(1) in paragraph (1), by striking out "of an unsuccessful effort to resolve a complaint"; and

(2) in paragraph (2)(A), by striking out "regarding the complaint under section 4322(c)" and inserting in lieu thereof "under section 4322(a)".

SEC. 311. ENFORCEMENT OF RIGHTS WITH RESPECT TO FEDERAL EXECUTIVE AGENCIES.

(a) REFERRAL.—Section 4324(a)(1) is amended by striking out "of an unsuccessful effort to resolve a complaint relating to a Federal executive agency".

(b) ALTERNATIVE SUBMISSION OF COMPLAINT.—Section 4324(b) is amended—

(1) in the matter preceding paragraph (1), by inserting "or the Office of Personnel Management" after "Federal executive agency"; and

(2) in paragraph (1), by striking out "regarding a complaint under section 4322(c)" and inserting in lieu thereof "under section 4322(a)".

(c) RELIEF.—Section 4324(c)(2) is amended—

(1) by inserting "or the Office of Personnel Management" after "Federal executive agency"; and

(2) by striking out "employee" and inserting in lieu thereof "Office".

SEC. 312. ENFORCEMENT OF RIGHTS WITH RESPECT TO CERTAIN FEDERAL AGENCIES.

Section 4325(d)(1) is amended—

(1) by striking out ", alternative employment in the Federal Government under this chapter,"; and

(2) by striking out "employee" the last place it appears and inserting in lieu thereof "employees".

SEC. 313. CONDUCT OF INVESTIGATION; SUBPOENAS.

Section 4326(a) is amended by inserting "have reasonable access to and the right to interview persons with information relevant to the investigation and shall" after "at all reasonable times,".

SEC. 314. TRANSITION RULES AND EFFECTIVE DATES.

(a) REEMPLOYMENT.—Section 8(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C. 4301 note) is amended—

(1) in paragraph (3), by adding at the end thereof the following: "Any service begun up to 60 days after the date of enactment of this Act, which is served up to 60 days after the date of enactment of this Act pursuant to orders issued under section 502(f) of chapter 5 of title 32, United States Code, shall be considered under chapter 43 of title 38, United States Code, as in effect on the day before such date of enactment. Any service pursuant to orders issued under section 502(f) of chapter 5 of title 32, United States Code, served after 60 days after the date of enactment of this Act, regardless of when begun, shall be considered under the amendments made by this Act."; and

(2) in paragraph (4), by striking out "such period" and inserting in lieu thereof "such 60-day period".

(b) INSURANCE.—Section 8(c)(2) of such Act is amended by striking out "person on active duty" and inserting in lieu thereof "person serving a period of service in the uniformed services".

SEC. 315. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall take effect as of October 13, 1994.

(b) REORGANIZED TITLE 10 REFERENCES.—The amendments made by section 304(d) shall take effect as of December 1, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes, and the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2289, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume

Mr. Speaker, H.R. 2289, would make improvements to several veterans benefit programs.

These would: Extend several VA home loan and housing programs; reduce VA reporting requirements; streamline the operations of the veterans employment and training service; and clarify many of the provisions of the Uniformed Services Employment and Reemployment Rights Act.

Under pay-as-you-go budget rules, this bill would save $14 million over the next 3 fiscal years.

As always, I want to thank the VA Committee's ranking member, my distinguished colleague and good friend, SONNY MONTGOMERY for his hard work and assistance on this bill.

I also want to thank the chairman of the Education, Employment, Training and Housing Subcommittee, STEVE BUYER, and the subcommittee's ranking member, MAXINE WATERS, for their bipartisan work on this measure.

They worked in a very constructive fashion with other members of the committee to resolve differences of opinion and accommodate members' desires in regard to this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. BUYER], chairman of the Subcommittee on Education, Training, Employment and Housing.

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, H.R. 2289 contains provisions affecting various veterans' benefits. Title I makes several VA home loan pilot programs permanent.

To share with the colleagues, in particular, loans for energy-efficient home improvements, the ability of veterans to negotiate interest rates, the ability of the VA to package its portfolio for resale in the secondary market, automatic review of appraisals by lenders

and continuation of authority to provide for foreclosed properties to community homeless providers, and it reduces reporting requirements on VA loan programs.

I would also ask my colleagues to, please, note that the President's budget did not call for an extension of the VA adjustable rate mortgage program. However, the committee looked at that program and of consideration, approved it. Prior to the passage of the committee, the CBO estimated that the ARM cost would be zero. After the committee's passage, CBO reestimated the ARM cost at $37 million dollars. Clearly, we could not find the offset. Therefore, the extension of the VA adjustable rate mortgage program is not in this bill.

However, the Committee on Veterans' Affairs will continue to work to find a way to reauthorize the program.

H.R. 2289 will also rename and promote the homeless veterans' reintegration project. Although the project is unfunded this year, it is important to keep alive so that the Department of Labor can fund it out of its resources.

Title II of this bill focuses on the veterans' employment and training service, VETS. The changes in the law will assist the VETS program in streamlining its approach to finding jobs for veterans and improve the service at the same time. This portion of the bill will, first, reduce the number of regional administrators; second, broaden the support staff responsibilities; third, amend the residency requirements for Federal directors of veterans' employment and training stations in the States. Providing that flexibility is important. And, authorize, fourth, authorize a pilot program to test the VETS participation in the one-stop employment centers.

Title III of this bill makes several technical improvements to the Uniformed Services Employment and Reemployment Rights Act that was passed in the 103d Congress. The changes specifically would clarify the employee and employer responsibilities, the time periods covered by the law, and also clarifies issues such as health care and pension benefits while called to active duty, and define what constitutes both discrimination and reprisal under the law.

Mr. Speaker, I would like to give special recognition to the chairman of the committee and the ranking member for their continued leadership and also the distinguished ranking member of the subcommittee, the gentlewoman from California [Ms. WATERS]. During work on the reemployment rights portion of the bill, she offered an amendment that was very constructive that significantly improved a large portion of title III of the bill. I appreciate her efforts and thank her for the bipartisan way in which she has worked with me on this bill.

I also thank my colleagues in the Subcommittee on Education, Training, Employment and Housing for their dedication on behalf of veterans.

It is a pleasure to bring this bill to the floor and to note that it streamlines the process and saves money.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 2289, a measure which would make permanent certain veterans' housing programs, improve, Mr. Speaker, the veterans' employment and training programs, and further improve and clarify veterans' reemployment rights. The veterans' housing and employment programs we have enacted in the last several Congresses are working well. This bill extends the VA authority to make housing loans, a very important benefit for the veteran and for the active-duty personnel.

Mr. Speaker, we are encouraging in this bill and in other legislation to get active-duty persons to use their veterans' home benefits. When they are on active duty, they are veterans, and they still have the privilege of using some of these home loans.

It also allows changes in our veterans' employment programs to go forward. Fewer resources and less staff personnel means these programs must streamline and become more efficient. H.R. 2289 authorizes these necessary changes.

I do want to commend the gentleman from Indiana [Mr. BUYER], the chairman of the Subcommittee on Education, Training, Employment and Housing, and also the Ranking member of the subcommittee, the gentlewoman from California [Ms. WATERS], and all members of the subcommittee for really developing an excellent bill.

I also want to thank my good friend, the gentleman from Arizona [Mr. STUMP], for brining this measure to the floor. This bill will help veterans, and I urge my colleagues to support it.

Mr. Speaker, I will yield such time as she may consume to the gentlewoman from California [Ms. WATERS], the ranking member of the subcommittee.

□ 1845

Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding me time and for all of his work and support on this and all of the legislation on behalf of veterans in the Committee on Veterans Affairs.

Mr. Speaker, I, too, rise in strong support of H.R. 2289. Title I of this measure will greatly enhance the ability of veterans to purchase the home of their choice. I am, however, disappointed that we were forced to drop the section which would have extended the VA Adjustable Rate Mortgage [ARM] program. Unfortunately, CBO changed their cost estimate and, two days after the full committee markup, told us we have to come up with over $30 million to fund the ARM. We simply do not have those funds. I fully intend to work with the subcommittee chairman on this matter, however, and expect we will revisit this issue in the future.

The provisions of title II will improve the implementation and administration of veterans' employment programs. I am particularly pleased the bill includes an amendment I offered which would authorize the Secretary of Labor to conduct a pilot program under which the responsibilities of Local Veterans' Employment Representatives [LVER's] would be redirected to focus on case management and direct service to veterans.

Last year, the committee extensively revised chapter 43 of title 38, which provides employment and reemployment rights for members of the uniformed services. Public Law 103–353, the Uniformed Services Employment and Reemployment Rights Act of 1994, was signed into law on October 13, 1994. Because of the complex and technical nature of this measure, the committee anticipated that technical and clarifying amendments would be necessary. Title II of H.R. 2289 responds to the issues and concerns that have thus far been brought to the attention of the committee.

Mr. Speaker, I want to thank the chairman of the subcommittee, my colleague, STEVE BUYER, for the cooperative, bipartisan spirit with which he has conducted the business of the subcommittee. We have had a good year, and the veterans of our Nation will benefit from our joint efforts.

H.R. 2289 is an excellent bill. I am proud of the work we have done on this measure, and I hope our colleagues will support H.R. 2289.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am pleased to rise today in strong support of H.R. 2289, the Veterans Housing and Educational Benefits Act of 1995, and I commend its sponsor, the gentleman from Indiana, Mr. BUYER, as well as Mr. STUMP, the chairman of the House Veterans' Affairs Committee and the committee's ranking member, Mr. MONTGOMERY for their dedicated work on this important veterans measure.

This bill, H.R. 2289 provides permanent authorization for negotiated interest rates, energy efficient mortgages, and extends the VA's authority for enhanced loan asset sales for an additional 5 years in VA loan programs. This change will improve the secondary market of VA-backed mortgages and thereby eliminates the need for future VA servicing.

Where this bill provides great assistance for our Nation's veterans is in the

area of the provision of housing assistance for homeless veterans and for employment services for those who have sacrificed so much for the freedoms we hold so dear.

For our homeless veterans this bill provides $10 million per year to assist them in their plight. For our veterans competing in an increasingly competitive employment market this measure requires the Secretary of Labor to maintain no fewer than five veterans employment and training facilities with which to assist our job training efforts for our veterans.

Accordingly, Mr. Speaker, I urge my colleagues to fully support this important measure which will provide further educational and housing support for our Nation's veterans.

Mr. MONTGOMERY. Mr. Speaker, I yield myself one minute.

Mr. Speaker, I do so only to point out to the House that the gentleman from Arizona, Chairman STUMP, and I have sent each Member of the House of Representatives a letter pointing out that he and I have been notified by the VA officials that if either the VA–HUD appropriations bills or a continuing resolution has not been passed by December 21, the Veterans Administration says the checks for veterans will be delayed. So I think Members should know that.

We are talking about 2.5 million veterans getting their checks delayed. It is a 2.6-percent cost-of-living increase in those checks. So I certainly hope that the House and the Senate and the President of the United States can get together and we will not delay these veterans' checks as well as other checks that go to people in this country.

Mr. Speaker, this is a fine bill, and I ask support of the House.

Mr. Speaker, I yield back the balance of my time.

Mr. FARR. Mr. Speaker, yesterday the House of Representatives voted for legislation to ensure continued assistance to our Nation's veterans. I voted for this bill, the Veterans Housing and Employment Rights Benefits Act, which would permanently extend programs which provide invaluable assistance to our Nation's veterans and military retirees.

The bill would extend a number of important home-loan programs. One such program permits veterans to negotiate for favorable interest rates and terms for mortgages. Another service allows veterans to get mortgage loans with interest rates fixed by the Department of Veterans Affairs. A third program extended by the bill allows veterans to secure mortgages for energy-saving improvements to their homes.

All of these services allow veterans, who often do not have the collateral or financial resources normally needed to purchase a home, a chance to pursue the American dream of owning and maintaining their own home.

Other programs reauthorized by the bill include the Homeless Veterans Employment Program, and the VA program providing housing assistance to homeless veterans. It also makes changes to current law to help veterans further and prevent discrimination against veterans—such as a measure ensuring that employers cannot force employees to use their vacation time to participate in military training programs.

I thank my colleagues, Chairman BOB STUMP and Representative SONNY MONTGOMERY, for bringing this important legislation to the House floor. It is my hope that we shall soon see this bill signed into law.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 2289, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REPORT ON INQUIRY INTO VARIOUS COMPLAINTS FILED AGAINST REPRESENTATIVE NEWT GINGRICH

Mrs. JOHNSON of Connecticut, from the Committee on Standards of Official Conduct, submitted a privileged report (Rept. No. 104–401) on the inquiry into various complaints filed against Representative NEWT GINGRICH, which was referred to the House Calendar and ordered to be printed.

STATEMENT ON REPORT OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, today, at the direction of the Committee on Standards of Official Conduct, I have introduced a resolution which eliminates one of the few exceptions to House Rules regarding outside earned income.

As you know, the Rules of the House now restrict the amount of outside income a Member or senior staffer may earn to $20,040 per year. However, copyright royalties and book advances are exempted from this restriction. A Member may publish a book and receive a large cash advance and unlimited royalties.

The resolution introduced today would amend rule 47 of the Rules of the House of Representatives so as to prohibit advances and treat copyright royalties as earned income subject to the $20,040 yearly cap. The new restriction would apply to royalties earned after December 31, 1995, for any book published after the beginning of House service, and would prohibit the deferral or royalties beyond the year in which earned.

It is the committee's hope that this resolution will be considered and approved this year.

As with our necessary reforms, this proposal may cause some momentary financial hardship in individual cases, or even delay the communication of useful ideas. In the long run, however, this proposal, by preventing the perception that book contracts are offered or their terms altered in deference to a Member's position rather than as a reflection of the book's content, will bring added attention to whatever ideas we may put forth.

As has passage of the gift rule resolution and, hopefully, other reform initiatives, this change in our House rules will assure that our actions—both in fact and perception—merit public confidence.

BANK INSURANCE FUND AND DEPOSITOR PROTECTION ACT OF 1995

Mrs. ROUKEMA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1574) to amend the Federal Deposit Insurance Act to exclude certain bank products from the definition of a deposit.

The Clerk read as follows:

H.R. 1574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bank Insurance Fund and Depositor Protection Act of 1995".

SEC. 2 DEFINITION OF DEPOSIT.

Section 3(1)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1813(1)(5) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting"; and"; and

(3) by adding at the end the following new subparagraph:

"(C) any liability of an insured depository institution that arises under an annuity contract, the income of which tax deferred under section 72 of the Internal Revenue Code of 1986.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to any liability of an insured depository that arises under an annuity contract issued on or after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Jersey [Mrs. ROUKEMA] will be recognized for 20 minutes, and the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from New Jersey [Mrs. ROUKEMA].

GENERAL LEAVE

Mrs. ROUKEMA. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1574.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mrs. ROUKEMA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairmwoman of the Financial Institutions & Consumer Credit Subcommittee I would like to commend you and my colleagues for considering H.R. 1574, The Bank Insurance Fund and Depositor Protection Act of 1995, on the suspension calendar.

H.R. 1574 is a bill with broad bipartisan support that would clarify that a bank product known as the retirement CD is not to be covered by Federal deposit insurance. We strongly believe these instruments could pose serious safety and soundness for banks that issue them.

Last year, certain banks received the authority to offer these retirement CDs. Banks that intend to offer them claim these instruments combine the tax-deferred income accumulation and lifetime payout features of a traditional annuity with the Federal deposit insurance guarantee normally associated with bank certificates of deposits [CDs].

The problem is that the lifetime payment feature of the retirement CD exposes the issuing bank to a potential liability with an unknown duration raising safety and soundness issues. In addition, any deferred payments above the amount in the deposit account at maturity will not be federally insured. This is misleading to bank customers.

There is no reason for the Federal Government to forego currently taxing the income produced by an annuity product while at the same time guaranteeing the payment of the principal plus the untaxed interest. This would constitute an expansion of the Federal deposit insurance net and, once again, raises serious safety and soundness concerns. Furthermore, the FDIC has indicated that they are neutral on the matter and understand that expanding the insurance net to these or similar products could have some unknown consequences.

In addition, the Internal Revenue Service has raised other concerns about the instrument's tax-deferred status. After reviewing the components of the retirement CD, the IRS proposed to strip it of its tax-deferred status. Under U.S. tax law, the IRS believes that any favorable tax treatment for these instruments should be eliminated.

In addition, the Congressional Budget Office carefully scrutinized this product and noted, in particular, that, and I quote, that substantial uncertainty exists about its potential tax consequences. The CBO concluded that, taken as a whole, the enactment of H.R. 1574 should result in no significant budgetary impact, and therefore support the bill.

As I stated earlier, this legislation has strong bipartisan support to ban these questionable products. There is strong agreement that these instruments place the insurance industry at a competitive disadvantage, as well pose serious disclosure problems for bank depositors.

Finally, it is worth noting that this bill has companion legislation in the Senate, where it too, has broad support on both sides of the aisle. Given the time constraints that the House is presently under, I appreciate the bipartisan support on this legislation, and urge its adoption.

Mr. Speaker, I include for the RECORD the memorandum I referred to earlier.

NOVEMBER 21, 1995.

Memorandum

To: Steve Johnson, House Banking Committee.

From: Mary Maginniss, Congressional Budget Office.

Subject: H.R. 1574.

As requested, I have reviewed H.R. 1574, the Bank Insurance Fund and Depositor Protection Act of 1995. The bill would amend the Federal Deposit Insurance Act to exclude certain bank products—retirement certificates of deposits—from the definition of a deposit. This exclusion would mean that a bank or thrift would not pay insurance premiums on these liabilities, but neither would the retirement certificate of deposits (CDs) be protected by deposit insurance if an institution were to fail. Based on this review, I would expect that enacting H.R. 1574 would not result in any significant budgetary impact.

Retirement certificates of deposits combine features of a traditional certificate of deposit (CD) with certain payment terms and tax advantages of an annuity contract. The market for annuities with a known maturity is substantial—over $1.6 trillion is outstanding—and the retirement (CD) has been licensed to 12 banks. Nonetheless, the retirement CD has had very limited sales to date. In particular, substantial uncertainty exists about its potential tax consequences. The Internal Revenue Service has issued a proposed ruling that would limit the tax advantage of the retirement CD; a final decision is expected early next year.

Assuming that the final ruling is consistent with the proposed rule, demand for the product would be limited because without the tax advantage, sales of retirement CDs would be expected to have little appeal. CBO projects that the liabilities of banks and thrifts would include few retirement CDs, and only a negligible amount of the premiums such institutions pay for deposit insurance in the future would be to cover losses in retirement CDs. Similarly, I expect the deposit insurance funds to face minimal risk of reimbursing the few depositors who might own retirement CDS in the event of a future bank failure. As a result, enactment of H.R. 1574 should result in no significant budgetary impact.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, as a cosponsor of the legislation, rise in support of this measure and commend the gentlewoman from New Jersey [Mrs. ROUKEMA], our subcommittee chairwoman, for her effort on this matter. This is a bipartisan matter that would clarify that the bank products known as retirement CD's are not to be covered by Federal deposit insurance. We introduced this legislation earlier this year because of concerns that these financial savings instruments could pose real safety and soundness problems for the banks that issue them and thus a significant liability to the U.S. taxpayers.

As my colleagues may be aware, recently several bank and insurance experts collaborated on creating this new type of financial instrument intended to combine the tax deferred income accumulation features of an annuity contract with the deposit insurance protection of a bank deposit. This has raised serious questions and concerns within the Congress, the Internal Revenue Service, and with those engaged in the business and enterprise providing retirement products without the benefit of Federal deposit insurance.

Mr. Speaker, this is a $1 trillion industry. I think that most of us understand that it has been operating for years without deposit insurance. Those that engage and invest in such instruments take some risk in the process. I do not think it is necessary for the deposit insurance system to be involved in this particular enterprise. As a consequence, I think if we are going to do that, we ought to do it on an affirmative basis.

□ 1900

That we ought to, in fact, extend the deposit insurance and say we are now going to fold the insurance aspect of anmnities into banks and give them that power and defer the taxation and deal with it on that basis. That, clearly, is not the decision that should be made on an ad hoc basis without the involvement of Congress.

I think most of us have in the background of our mind problems that financial institutions have experienced in recent years, which has involved, obviously, a significant outlay of taxpayers dollars to deal with the shortfalls in terms of deposit insurance funds.

With this in mind, and with the idea that we are working in collaboration and in coordination with, in fact, tax policies and laws, Mr. Speaker, I, of course, rise in support and ask Members to support this important measure.

I yield myself such time as I may consume. As a cosponsor of this legislation, I rise in support of H.R. 1574 and commend our subcommittee chairwomen MARGE ROUKEMA for her effort on this matter. H.R. 1574 is of course a bipartisan bill that would clarify that

a bank product known as the retirement CD is not to be covered by Federal deposit insurance. We introduced this legislation earlier this year because of concerns that these financial savings instruments could pose real safety and soundness problems for the banks that issue them and thus, a significant liability to U.S. taxpayers.

As my colleagues may be aware, recently, several banking and insurance experts collaborated on creating this new type of financial instrument intended to combine the tax-deferred income accumulation features of an annuity contract with the deposit insurance protection of a bank deposit. This raised serious concerns within the Congress, the Internal Revenue Services and with those engaged in the business and enterprise of providing retirement products without the benefit of federal deposit insurance.

There is not a solid public policy basis for the Federal Government to forego currently taxing the income produced by an annuity product and at the same time guaranteeing the payment of the principal plus the untaxed interests in a differential manner to other retirement annuities. The annuity market works without the need for Federal deposit insurance guarantees, and there is no reason for the Federal deposit insurance funds to be extended to cover the risk of this trillion dollar market. If it is the congressional policy and loan judgment to extend deposit insurance to such products, then that ought to be a positive decision not an ad hoc action by individual financial institutions.

I would note for the record that from the beginning, we have stressed that the language of the bill does not prevent anyone from offering this product. It simply provides that annuity contracts issued by insured depository institutions on which the income is tax deferred shall not be considered as deposits eligible to receive FDIC deposit insurance coverage.

The U.S. Internal Revenue Service has issued proposed rules making clear that certain bank-issued annuities are not entitled to Federal tax deferral. For products which are determined to be subject to such rules, H.R. 1574 should not have any effect. Unless the product receives tax deferral as an annuity, H.R. 1574 would not be applicable. Thus there is no conflict, duplication, or inconsistency between the prospective IRS ruling expected sometime in the spring of next year and the legislation before us today. The two policies should compliment each other.

We need to enact this legislation now, before Deposit Insurance retirement CD's proliferate, thus exposing the FDIC deposit insurance to the potential of inordinate risk and expenditures in the future. I urge my colleagues to support this legislation and reserve the balance of my time.

Mr. Speaker, I reserve the balance of my time.

Mrs. ROUKEMA. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CHRYSLER], a member of the committee.

Mr. CHRYSLER. Mr. Speaker, I rise in support of H.R. 1574, as a cosponsor of the Bank Insurance Fund and Depositor Protection Act. This bill, introduced by my colleague on the Committee on Banking and Financial Services, the gentlewoman from New Jersey, Congresswoman MARGE ROUKEMA, would amend the Federal Deposit Insurance Act to exclude from deposit insurance eligibility a select class of investments known as retirement certificates of deposit. This issue is not related to the banks selling insurance discussions, which are presently underway.

Mr. Speaker, I have no objections to banks offering this product. However, I believe these retirement CD's should not be covered under FDIC insurance. There is an uneven playing field when one entity can sell a product, for example the retirement CD's, with FDIC insurance, and another entity can only sell the products without taxpayer-backed insurance.

Mr. Speaker, I would like to commend the gentlewoman from New Jersey [Mrs. ROUKEMA] on her efforts to have this bill reach the floor. I also want to thank the majority leader for placing this bill on a very crowded congressional calendar. I have high hopes that the other body will act on this important legislation in a timely manner.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mrs. ROUKEMA. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE], a member of the committee.

Mr. CASTLE. Mr. Speaker, I thank the gentlewoman for yielding me time, and with due respect to her and to the gentleman from the other side, I have some questions, at least, about this legislation. I do not intend to oppose it at this time, but the bottom line is that I have looked at this with some degree of care, and I have learned some interesting facts about it.

For example, the Office of the Comptroller of the Currency, which, of course, is the regulatory agency for national banks, has confirmed that national banks have authority to issue the retirement CD under the expressed statutory powers of the National Bank Act, and the FDIC has ruled that the retirement CD qualifies as an insured deposit under the Federal Deposit Act.

It also has been supported, and I assume still is, by the American Bankers Association, the Independent Bankers Association of America, Independent Bankers Associations of various States, and America's community bankers. In fact, the small community banks have found this as a very good asset to be able to offer to their customers, and, as a result, are very supportive of it.

Mr. Speaker, I have heard the arguments here, and have heard them before, concerning the issue of deposit insurance. And while I do not know enough about that to be able to argue it vehemently with anybody, I would suggest that that is a bit of a gray area in terms of what could or could not be done.

Obviously, insurance companies and others who might issue annuities of a different sort might be opposed to this, but I am concerned that we are rushing forward. I must note this piece of legislation did not go through any subcommittee or committee markup at all. I do not even know if it went through any hearings at all at that level. So, as a result, I think we need to post on the RECORD someplace that there perhaps is another side to this and some questions that need to be raised.

So having said that, hopefully, before it is all said and done, whatever legislation comes out of this will be something which is correct and which is in the best interest of all aspects of the community dealing with it.

Mr. KANJORSKI. Mr. Speaker, as an original cosponsor of H.R. 1574, the Bank Insurance Fund and Depositor Protection Act, I rise in strong support of this legislation, and I urge all my colleagues to support it.

It is entirely appropriate that H.R. 1574 is on the Suspension Calendar today, because it is genuinely bipartisan legislation, introduced by Congresswoman MARGE ROUKEMA, the chair of the Financial Institutions Subcommittee, along with the ranking Democratic member of the subcommittee, Congressman BRUCE VENTO, myself, and Congressman BILL MCCOLLUM of Florida.

I want to commend Chairwoman ROUKEMA, as well as full committee Chairman JIM LEACH and full committee and subcommittee ranking members HENRY GONZALEZ and BRUCE VENTO, for their bipartisan cooperation on this legislation. If all legislation considered by the 104th Congress was handled in such a cooperative, bipartisan fashion, we would not be facing gridlock on the budget and so many other issues.

H.R. 1574 is a very short, and simple bill. It is designed to permanently close a loophole which crafty lawyers attempted to use to create an insurance product, commonly known as a retirement CD, with both Federal deposit insurance and special tax-deferred status.

Fortunately, the effort to create this kind of unique retirement CD was largely thwarted by the eagle eyes of the Internal Revenue Service, which has correctly issued proposed rules stipulating that such instruments should not be allowed special tax-deferred status.

While the IRS' action has put a halt to the proliferation of these retirement CD's, there are other important policy reasons why their inssuance should not be allowed.

First, they expose federally insured financial institutions to potential liabilities of unknown size which raises safety and soundness concerns for the institutions and the Federal Deposit Insurance Corporation's deposit insurance fund. If Federal deposit insurance for retirement CD's is allowed, the Federal Government would, in effect, become the guarantor of which is now a private pension system. The deposit insurance system should not take on this enormous contingent liability.

Second, the unusual hybrid nature of these instruments, which combine features of traditional uninsured insurance annuities with certificates of deposit, raises serious disclosure

issues for consumers who may not understand what they are purchasing and the extent to which it is insured by the FDIC. The FDIC has determined, for example, that deposit insurance coverage would not extend to the lifetime payment feature of such products, because that could constitute a liability substantially in excess of the amount on deposit. This is the kind of nuance most consumers would not understand.

Third, the issuance of these certificates could create an unlevel playing field in which insurance companies are at a severe competitive disadvantage to banks because bank annuity products would be insured by the FDIC, while annuity products offered by insurance companies would not. The market for traditional annuities already exceeds $1.5 trillion, and was $125 billion in 1993 alone. This makes it clear that neither banks nor insurance companies need Federal deposit insurance to induce customers to purchase annuities.

It is for these reasons that the bipartisan leadership of the House Banking Committee believes that this loophole needs to be permanently closed. H.R. 1574 accomplishes this goal by specifically defining this kind of product as ineligible for Federal deposit insurance.

It is important to note, Mr. Speaker, that H.R. 1574 does not preclude anyone from offering this kind of product for sale. It merely stipulates that annuity contracts issued by insured depository institutions on which the income is tax deferred are not simultaneously eligible for Federal deposit insurance.

Mr. Speaker, it is important that we act now, to clear the air, before these kinds of products proliferate. Companion legislation, S. 799, has been introduced by a bipartisan group in the other body, Senator AL D'AMATO, chairman of the Senate Banking Committee, and Senator CHRIS DODD. Consequently there is good reason to believe that if the House approves H.R. 1574 it will be favorably considered by the Senate.

Mr. Speaker, we all learned as children that you can't have your cake and eat it too. That is exactly what the creators of the retirement CD wanted to do, they wanted to create a tax-deferred annuity which also had Federal deposit insurance. H.R. 1574 simply tells them they have to choose one Federal benefit or the other, but they cannot have both. H.R. 1574 is fair, it is equitable, and it should be supported by all Members.

Mrs. ROUKEMA. Mr. Speaker, those who have requested time are not here on the floor at this moment, so I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Jersey [Mrs. ROUKEMA] that the House suspend the rules and pass the bill, H.R. 1574.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONCURRENT RESOLUTION CONCERNING WRITER, POLITICAL PHILOSOPHER, HUMAN RIGHTS ADVOCATE, AND NOBEL PEACE PRIZE NOMINEE WEI JINGSHENG

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 117) concerning writer, political philosopher, human rights advocate, and Nobel Peace Prize nominee Wei Jingsheng, as amended.

The Clerk read as follows:

H. CON. RES. 117

Whereas Wei Jingsheng is a writer, political philosopher, and human rights advocate who is widely known and respected in China and throughout the world;

Whereas on November 21, 1995, the Government of the People's Republic of China announced the arrest of Wei Jingsheng and its intention to try him for "attempt[ing] to overthrow the government";

Whereas prior to this announcement Wei had been detained since April 1994 without formal charges or the opportunity to communicate with his family or with legal counsel, in violation of Article 9 of the Universal Declaration of Human Rights and other international standards prohibiting arbitrary arrest and detention;

Whereas the government had previously imprisoned Wei from 1979 until 1993 on a charge of "spreading counterrevolutionary propaganda" for his peaceful participation in the Democracy Wall movement;

Whereas Wei's analysis of democracy in 1979 as a necessary "fifth modernization" was an important theoretical and practical contribution to the movement for freedom and democracy in China and also to modern political philosophy;

Whereas during his long imprisonment Wei was subjected to beatings and other severe ill treatment which left him in extremely poor health;

Whereas after his release in 1993 Wei devoted his time to humanitarian activities, including visiting and assisting the families of victims of the June 4, 1989, massacre at Tiananmen Square, as well as the surviving victims themselves, and assisting the civilian effort to secure compensation for damages caused to the Chinese people by the Japanese Government during World War II;

Whereas, far from advocating an "overthrow" of the Government of China, Wei has been a strong advocate of nonviolence and a peaceful transition to democracy;

Whereas Wei was regarded as a leading candidate for the 1995 Nobel Peace Prize, having been nominated by parliamentarians throughout the world, including 58 members of the United States Congress;

Whereas Wei was also the recipient of the 1995 Olaf Palme Foundation Award, the 1994 Robert F. Kennedy Human Rights Award, and the 1993 Gleitsman Foundation International Activist Award; and

Whereas because of his great courage, the force of his ideas, and his long unjust imprisonment Wei has come to embody the aspirations of the people of China for democracy and for the enjoyment of free speech and other universal and inalienable human rights, and his fate has come to symbolize their fate: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the United States Congress—

(1) urges the immediate and unconditional release of Wei Jingsheng;

(2) urges, in the event Wei Jingsheng is not immediately released, that he be afforded all internationally recognized human rights, including the right to consult freely with counsel of his choice, to assist in the preparation of his defense, and to communicate with his family, and that his trial be open to the domestic and foreign press, to diplomatic observers, and to international human rights monitors;

(3) urges the United States Department of State to make the release of Wei Jingsheng and the protection of his internationally recognized human rights a particularly important objective in relations with the Government of China, and that it raise these issues forcefully and effectively in every relevant bilateral and multilateral forum; and

(4) recognizes that the efforts of Wei Jingsheng once again merit careful consideration for the Nobel Peace Prize in 1996.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of House Concurrent Resolution 117 and I commend the chairmen and ranking minority members of the Asia and Pacific and International Organizations and Human Rights Subcommittees for expeditiously marking up this resolution. I especially commend the gentleman from New Jersey [Mr. SMITH], for crafting House Concurrent Resolution 117.

During this past summer we were told by the administration that there was a cloud over United States-Sino relations because the Congress insisted that President Lee of Taiwan be allowed to enter the United States. But the storm developed many years ago when the Communist Party took control of China. The so-called cloud was just a smoke ring blown to deflect attention from the root of the problem; democracies and dictatorships are fundamentally different and will always clash.

The case of Wei Jingsheng—Way Ching Shung—is just the tip of an iceberg. According to Asia Watch there are over a thousand peaceful prodemocracy activists imprisoned in China and Tibet. Let us not overlook the hundreds of Christian priests and even a bishop some of whom are serving lengthy terms in prison for just practicing their faith.

Beijing is notorious for arresting and imprisoning high profile prodemocracy advocates so that it can be rewarded for releasing them later. The First Lady went to Beijing to attend the women's conference after American citizen Harry Wu was released after his illegal arrest. Wei Jinsheng was released after serving nearly 15 years in prison in September 1994 so that China would have a better chance at hosting

the world Olympics in the year 2000. He was arrested again in February 1994, and has not been heard from since, after meeting with assistant secretary of human rights John Shattuck, in February 1994.

The arrest, release, arrest, release cycle has worked to Beijing's advantage, so we should not be surprised that Wei is going on trial. The trial could be linked to the upcoming discussion at the U.N. subcommission on human rights regarding China's human rights record.

Over the last 5 years in which MFN for China has been debated, the Chinese have engaged in a pattern of releasing prominent dissidents. We have also seen this cynical action taken just before bilateral trade talks. Recently the administration has always jumped at the opportunity to use the prison release as a fig leaf for deflecting substantive action.

Whenever an effort is made by the Congress to have China abide by bilateral agreements on trade, human rights, prison labor, or weapons proliferation we are told that "now is not the time. . . . there is a political transition period underway in China and if we take any strong action we will be strengthening the hand of the hardliners in Beijing."

In addition to the concern about transition periods, the administration sweeps aside China's violations of its many accords and agreements with the United States by dismissing enforcement as an attempt to isolate or contain China.

Accusations and concerns about isolation, containment and transition periods are broad brush-stroke generalizations that avoid the hard question of how to deal pragmatically and effectively with a totalitarian Government that has enormous resources to cause havoc.

Until we hold China accountable for what it does, our response to Beijing's egregious behavior will be manipulated by these arrests, trials, imprisonments, and release incidents.

Wei is just a pawn and Beijing is the only player. If we want to get in the game we need to insist on a seat at the table. At this point we have not done so. Accordingly, I join with my colleagues in deploring the charges brought against Wei and urge my colleagues to fully support House Concurrent Resolution 117.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support the House Concurrent Resolution 117 as amended, and certainly commend the chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], and also my colleague, the gentleman from New Jersey [Mr. SMITH], who is the chief sponsor of this legislation.

Mr. Speaker, this resolution has broad bipartisan support. I certainly would like to commend also the gentleman from Indiana [Mr. HAMILTON] as the ranking Democrat on the full committee; also my colleague from California [Mr. BERMAN], who is the ranking Democrat of the subcommittee on Asian and Pacific Affairs. I commend these gentlemen and also the gentlewoman from California [Ms. PELOSI], the gentleman from California, [Mr. LANTOS], and the gentleman from Connecticut [Mr. GEJDENSON], all sponsors of this important legislation.

Mr. Speaker, this is an important resolution, and it comes at an extremely opportune time. Tomorrow, Mr. Wei Jingsheng goes on trial for allegations that he attempted to overthrow the Government of the People's Republic of China.

Mr. Wei Jingsheng is probably the leading pro-democracy advocate today in China, Mr. Speaker. For 14 years of his life he was in prison, from 1979 to 1993, and was released in 1993. And yet he was arrested again in April of last year, shortly after his meeting with the Assistant Secretary of State for Human Rights, Mr. John Shattuck.

Mr. Wei Jingsheng, since last year we did not know what was happening to him, until now we find out from the Government that he will have an open trial tomorrow.

Mr. Speaker, I submit that the committee unanimously adopted this resolution last week. The resolution urges the unconditional release of Mr. Wei Jingsheng; and, in the event this does not happen, that he be afforded all the internationally recognized human and legal rights.

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The resolution also urges the State Department to make Mr. Wei's release a particularly important objective in relations with China, and to raise the issue relevant in bilateral and multilateral forums.

Finally, Mr. Speaker, the resolution recognizes Mr. Wei merits careful consideration for the Nobel Peace Prize. The resolution has been changed in a number of respects, and the administration fully supports this resolution, as amended.

Mr. Speaker, the only thing Mr. Wei is guilty of is standing as a symbol for the aspirations of the Chinese people to adhere to the basic and fundamental principles of freedom and democracy.

I am sensitive to China's enormous and difficult task in meeting the needs of her 1.3 billion citizens, while undergoing dramatic economic and social changes. But I also submit, Mr. Speaker, at the same time the People's Republic of China must show more evidence of complying with the basic provisions of the United Nations Charter, specifically that of enhancement and protection of human rights.

Mr. Speaker, it is important that the Congress of the United States speak out in very specific terms on the matter of human rights. We must say to China's political leaders that we expect them to live up to internationally accepted standards of conduct and behavior by all its citizens.

Mr. Speaker, the People's Republic of China, as a full-fledged member of the United Nations, certainly should comply with the basic provisions of human rights as stated in the charter of the United Nations. I urge my colleagues to support the adoption of this resolution, and I commend again the gentleman from New Jersey [Mr. GILMAN], my good friend and chairman of the Committee on International Relations, for bringing this resolution to the floor.

Mr. Speaker, I include for the RECORD articles on Wei Jingsheng.

[From the Washington Post, Dec. 12, 1995]

WHY IS CHINA TAKING ON WORLD BY TRYING DISSENT?

BEIJING.—Nine years ago this month, senior leader Deng Xiaoping urged Communist Party leaders to take a hard line against domestic critics, without concern for China's international image.

"Didn't we arrest Wei Jingsheng?" Deng asked rhetorically about the democracy activist who was sentenced to a 15-year prison term in 1979. "We arrested him and haven't let him go, yet China's image has not suffered."

This week China's leaders put Wei on trial again, charged with attempting to overthrow the government. And many China watchers worry that the trial portends a resurgence of actions by China's hard-line leadership violating internationally recognized human rights.

"There's no way that this can help China internationally," said UCLA political scientist Richard Baum. "It's an unsettling sign, a jarring occurrence for a regime trying to portray itself as having joined the international community."

Like many political prisoners, Wei's reputation and stature has been growing the longer he sits in prison. While many other Chinese political activists have put aside politics to pursue business, Wei has remained an uncompromising advocate of democracy for China. Over the last decade, he has become China's most prominent dissident.

Wei's trial, scheduled for Wednesday at Beijing's Intermediate Court, has mobilized groups anxious about the outcome, which could carry punishment ranging from 10 years in prison to the death penalty. Human rights groups are prodding the U.S. Congress to adopt a resolution calling for Wei's release.

Wei's sister, Wei Shanshan, who lives in Germany, flew to the United States today to lobby lawmakers on her brother's behalf. A demonstration is being organized for Tuesday afternoon in front of the Chinese Embassy on Connecticut Ave.

Human rights groups are pressing the Clinton administration to take a strong stand in defense of Wei. Those groups say that President Clinton, by soft-pedaling human rights issues in his October meeting with Chinese President Jiang Zemin and by severing the link between human rights and trade, might

have led the Chinese government to think it could sentence Wei without severe repercussions.

Among those offerring to serve on Wei's defense team are: Nicholas Katzenbach and Richard Thornburgh, attorneys general under presidents Lyndon Johnson and George Bush; for French justice minister Robert Badinter; Singapore's former solicitor general Francis Seow, and former chairman of the Bar of England and Wales Lord Gareth Williams.

A Chinese court spokesman said today that the trial of Wei would be open, an unusual step in political cases. The court said, however, that foreign lawyers would not be allowed to participate. Wei's family has hired Zhang Sishi, who defended dissidents Wang Juntao and Chen Ziming when they were tried for participating in the 1989 democracy demonstrations. Each was sentenced to 13 years in prison. In China, an arrest generally is announced after police and the courts have decided they have enough evidence to convict.

Wei was the most daring and influential of the so-called Democracy Wall activists who in late 1978 printed magazines and pasted democracy manifestoes on a wall just west of the former Forbidden City, now part of the Chinese leadership compound.

At that time, Deng had returned to power and promised to deliver China from the political upheaval of the Cultural Revolution and to undertake four modernizations: in agriculture, industry, science and technology, and national defense.

While many Chinese welcomed Deng's return after a turbulent decade, Wei and other Democracy Wall activists were critical. Wei said Deng's program would fail without a "fifth modernization"—democracy.

Unlike political reformers within the Communist Party, Wei and his associates at Exploration magazine in 1978 totally rejected Marxism-Leninism. He said Marxist countries were "without exception undemocratic and even anti-democratic autocracies."

Wei was convicted of "counter-revolutionary" activities and of leaking secret information about China's war with Vietnam to a reporter. He was sentenced to 15 years in jail and was paroled six months early in September 1993. Unrepentant, he urged the international community to deny the 2000 Olympic Games to Beijing. He was rearrested April 1, 1994, shortly after meeting Assistant Secretary of State for Human Rights John Shattuck, and was held incommunicado until last month—when the government announced charges against him.

Analysts note several possibilities in trying to explain why Wei is being put on trial now.

Some suggest China wants to use a convicted and resentenced Wei as a bargaining chip to persuade other governments to back off from a critical human rights resolution at the United Nations. That concern could also help explain the Chinese government's effort to make the trial look more legitimate.

Others say that China could be preparing to boot Wei out of the country and that it needs to show its toughness by first handing him a long prison term—just as it did with Chinese-born American citizen Harry Wu, who was detained this summer while trying to enter China. Expulsion would give Wei a platform overseas but it would remove him from the Chinese political scene.

A third possibility is that hard-line officials in the Ministry of State Security, the army and the Communist Party propaganda department are using the trial as a vehicle for their political comeback—as well as a warning to anyone contemplating dissent as the 91-year-old Deng fades from power.

Whatever legal motions the government goes through, no observer consulted related Wei's incarceration to what are widely viewed as trumped-up charges. Merle Goldman, a professor of Chinese politics at Boston University, said, "I don't see what evidence they can have since he was followed every single minute he was out of jail."

[From the Reuters News Agency, Dec. 12, 1995]

CHINESE DISSIDENT'S TRIAL TO BE OPEN TO THE WEST—BUT EX-U.S. OFFICIALS CAN'T DEFEND WEI

(By Jeffrey Parker)

BEIJING, December 1.—In a highly unusual move, China has opened the trial of top dissident Wei Jingsheng to Western reporters—but will not allow him to be defended by two former U.S. attorneys general who have offered to take his case.

The Beijing Intermediate People's Court said Western reporters were asked to submit applications to attend tomorrow's session. The trial will also be open to the public, meaning close relatives and a few court-selected citizens would be allowed in.

But court spokesman Chen Xiong said Mr. Wei could not hire foreign lawyers, thus rejecting an offer by former U.S. Attorneys General Dick Thornburg and Nicholas D. Katzenbach to defend Mr. Wei against what is seen widely in the West as a political charge.

The defendant has retained Beijing lawyer Zhang Sizhi, a relative said.

China meanwhile sentenced three dissident Christian activists to up to 2½ years of re-education through labor, a form of administrative detention, sources close to the defendants said.

The Beijing Muncipal Re-education Through Labor Committee sentenced the three recently, but the exact date was not clear, the sources said.

Defendants Xu Yonghai, Gao Feng and Liu Fenggang all have been active in Beijing's underground Christian circles, seeking to practice their religion outside state-sanctioned churches.

Mr. Wei's trial technically opened December 1, when presecutors lodged the charge of "conspiring to overthrow the government," which can carry the death penalty on conviction.

The same charge was used to imprison many dissidents arrested when the Communist government crushed the 1989 Tiananmen Square pro-democracy protests.

Widely viewed as a father of China's democracy movement, Mr. Wei was first jailed in the late 1970's Democracy Wall era after proposing that leader Deng Xiao-ping's Four Modernizations drive needed a fifth component—multi-party democracy.

Mr. Wei's relatives have denounced his prosecution, saying he did nothing but exercise his costitutional right to speak his mind.

[From the Washington Post, Nov. 22, 1995]

CHINA ACCUSES DISSIDENT OF COUP ATTEMPT

BEIJING.—China formally arrested its leading critic, Wei Jingsheng, today and charged him with attempting to overthrow the Chinese government.

Under Chinese law, conviction could result in a sentence ranging from 5 years in prison to execution, according to legal experts here. In China, conviction is almost certain after a formal arrest is announced.

Wei, 44, regarded as the father of China's tiny democracy movement, thus was publicly charged nearly 20 months after his detention. He had vanished after being stopped by security agents on a road outside Beijing on April 1, 1994. Despite appeals from world leaders, China has given no indication of Wei's whereabouts nor was he allowed to see family members or attorneys.

The official New China News Agency said "an investigation by Beijing's municipal public security departments showed that Wei had conducted activities in [an] attempt to overthrow the government. * * * His actions were in violation of the criminal law and constituted crimes."

An uncompromising voice for free speech and democracy, Wei has spent all but six months of the last 18 years in detention. This year he was a strong contender for the Nobel Peace Prize. A former soldier and an electrician, Wei was jailed in 1979 for his role in the Democracy Wall movement. At that time he wrote and published an essay that criticized Chinese leader Deng Xleoping for leaving democracy out of his reform program. Wei later branded Deng a "new dictator."

The latest charge appears to signal Beijing's continued determination to stifle overt political dissent as well as its confidence that foreign companies' eagerness to do business in China's booming economy will prevent any foreign trade restrictions in response.

The timing of the announcement—just after Chinese President Jiang Zemin's meetings with President Clinton in New York, German Chancellor Helmut Kohl in Beijing, and leaders of the Asia-Pacific Economic Forum in Osaka—allowed Jiang to sidestep confrontations over China's human rights conditions. But the charge against Wei also suggests that appeals those world leaders said they made on behalf of political prisoners had little effect.

In Washington, a State Department spokesman said, "We regret the government's decision to formally charge Chinese democracy activist Wei Jingsheng. We have expressed our concerns about this latest development in his case to Chinese officials."

Most people familiar with Wei express doubt that any evidence against him exists, apart from a lifetime of bold writing against what he called "political swindlers."

Wei came from a classic Communist "good family background." His parents and siblings were Communist Party cadres and Wei grew up with the party elite. Wei's father, a high-ranking Foreign Ministry official, was a devoted Maoist who forced his son to memorize a page a day from the writings of Chinese Communist Party Chairman Mao Zedong. If Wei failed, he was sent to bed without dinner.

In 1968, Wei was among the millions of youths who went to Tiananmen Square to see Mao review Red Guards * * * the Cultural Revolution. The next year Wei was jailed briefly amid internecine Red Guard strife. After his release, Wei was assigned to work as an electrician at the Bejing zoo. He quit to join the People's Liberation Army, where he spent four years. He later wrote that his military service took him around the country and showed him how peasants suffer. In 1976, he returned to his job at the zoo.

In late 1978, Wei took part in the Democracy Wall movement, when activists plastered posters and political essays on walls in the center of the city. Wei ran a magazine

called Explorations, produced on a handcranked printer.

While many Democracy Wall activists cautiously couched their essays in the jargon of the day, Wei lambasted the "deafening noise of 'class struggle' slogans." At a time that many Chinese were welcoming Deng's "four modernizations"—agriculture, industry, science and technology, and national defense—Wei said Deng's reform plan would fail without democracy, which he called the "fifth modernization."

Arrested in 1979 and sentenced to 15 years in jail, Wei served much of his time in solitary confinement. He also worked in a labor camp.

Released in 1993 when China was trying to persuade the international community to choose Bejing as the site of the 2000 Olympic Games, Wei immediately made new contacts with workers, intellectuals and foreign journalists even though he was closely monitored by Beijing police. Wei spoke out against China's treatment of political prisoners and urged the international community to pick a different site for the Olympics. The latest detention came just after Wei met with Assistant Secretary of State for Human Rights John Shattrick.

Mr. FALEOMAVAEGA. Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker, tomorrow the Communist government of the People's Republic of China will put China's leading advocate of democracy on trial. This so-called trial speaks volumes about the abysmal state of human rights and the complete and utter denial of political freedoms in the People's Republic of China.

Wei Jingsheng is China's foremost dissident, and has become a personal target of Deng Xiaoping because he demanded that Deng's "Four Modernizations", agriculture, industry, science, and defense, be supplemented with a very important fifth: Democracy. Wei's magazine, "Exploration", repudiated not just Maoism and Leninism, but Marxism itself.

Mr. Speaker, for this he spent 14½ years of his life in some of Communist China's most brutal and remote prison camps. Much of that time was spent in solitary confinement. His alleged offense was counterrevolutionary activities. The truth is that he led the Democracy Wall Movement. That movement, as the Speaker knows, took its name from the wall near the Forbidden City which activists used to displace their prodemocracy manifestos.

When the People's Republic of China recently was seeking international acceptance so that it could host the Olympic Games, forthcoming in the year 2000, Wei was paroled just 6 months before the expiration of that grueling 15-year sentence. This was done obviously in order to curry favor with Western governments and the International Olympic Committee.

But when Wei was released, he did not stop speaking. He called on the members of the Olympic Committee to punish Beijing for its abysmal human rights record by denying it the opportunity to host the Olympic Games. Shortly after that, in April 1994, Wei disappeared. For the past 20 months the Communist authorities have refused to tell anyone, even his family, his whereabouts.

Mr. Speaker, it is now probable that Wei will be put on trial tomorrow for allegedly plotting to overthrow the government. In truth, the sum total of his offenses against China's Communist Government has been his underlying support for democracy and human rights. His likely punishment will be a minimum of 10 years, and perhaps death.

The Chinese Government may return him to Laogai, the notorious Chinese gulag. They may expel him after imposing a Draconian sentence, which is what they did to Californian Harry Wu.

The Communist regime is no doubt retaliating against Wei because he was nominated for the Nobel Peace Prize, and because the Olympic Committee decided not to award the People's Republic of China the Olympics.

Mr. Speaker, the Wei case demonstrates the nature of justice under the current Communist government in China. Wei was arrested 20 months ago without warning and without explanation. For nearly 2 years he has been held incommunicado. Only afterward did the Communist government initiate its investigation of Wei. Then, and only then, did the Communist government announce the charges against Wei and set his trial for tomorrow.

But sadly, Mr. Speaker, this will be a sham trial. There is no doubt, absolutely none, about the result. Wei will be found guilty. The trial in China's Intermediate People's Court will be anything but the open proceeding announced in the press of the People's Republic of China. It will not be public.

American and European requests to monitor the trial have either been rejected or gone simply unanswered, and the Chinese regime has refused to allow a distinguished international team to assist Wei. In addition, two former United States Attorneys General, Nicholas Katzenbach and Dick Thornburgh, one Republican and one Democrat, have been trying to assist in Wei's defense, and the Chinese Government has told them coldly, harshly, "No."

Wei Jingsheng, like the heroic students of Tiananmen Square, is living proof that China's people are not indifferent to democracy. They are not indifferent to human rights. They are not content with lawlessness, dictatorship and corruption.

Tomorrow, the People's Republic of China will attempt to put Wei Jingsheng on trial, but it will be China's Communist dictatorship that is in fact on trial. Mr. Speaker, the message in this resolution is clear. Wei Jingsheng should be immediately released and his sham trial should be stopped.

The detention and trial of Wei Jingsheng is only the latest and most striking case of China's systematic infringement of political freedoms, individual liberties, and human rights. This Congress and this resolution intends to make clear that communist China's continued violations of human rights will have consequences.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman from American Samoa for his leadership, as well as that of the gentleman from New York [Mr. GILMAN], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from New Jersey [Mr. SMITH], the gentleman from California [Mr. BERMAN], and others who have brought this legislation to the floor today. I commend them all, and am pleased to be a sponsor of the resolution before us.

Mr. Speaker, it is most fitting that we consider this bill today, the day before Wei Jingsheng is tried in a Chinese court. Today is also the day on which the U.S. Department of State is celebrating Human Rights Day. On December 5, President Clinton signed a proclamation designating the week of December 10 through 16, 1995 as Human Rights Week. President Clinton said:

> We live in an era of great advances for freedom and democracy. Yet, sadly, it also remains a time of ongoing suffering and hardship in many countries. As a nation long committed to promoting individual rights and human dignity, let us continue our efforts to ensure that people in all regions of the globe enjoy the same freedoms and basic human rights that have always made America great.

Our action today on this legislation demonstrates our congressional commitment to living up to our American values of promoting human rights, basic freedoms and human dignity.

Wei Jingsheng is scheduled to be tried tomorrow, I guess it is in a few hours, taking into consideration the time difference, in a Chinese courtroom on charges of attempting to overthrow the Government, a capital offense. The charges against Wei are spurious, the trial is fixed, and the entire event would be farcical if a man's life were not at stake.

The case of Wei Jingsheng, a key figure in China's pro-democracy movement, once again exposes to world view the flaws in China's judicial system and the alarming pattern of human rights abuses by China's authoritarian Government.

Wei Jingsheng was first imprisoned as a result of his 1979 democracy wall activities. His activities at that time include daring to write and to publicize material critical of Marxist-Leninism and critical of China's Communist Government. For those activities, Wei was sentenced to 15 years in prison.

He was released after serving 14½ years of that 15 year sentence and I might add, much of that in solitary confinement. As part of the public relations campaign by China's dictatorial Government to woo the International Olympic Committee into naming Beijing as an Olympics site.

Wei Jingsheng was detained again by the Chinese Government in 1994, less than 6 months after obtaining his freedom. His crime? Daring to continue to speak out against China's Communist Government.

When Wei met with foreign journalists and officials, including U.S. Assistant Secretary of State for Human Rights John Shattuck. The Chinese Government did not like what Wei had to say or to whom he was saying it and shortly after his meeting with Assistant Secretary of State Shattuck, Wei was thrown once again into the bowels of the Chinese Government penal system.

Wei Jingsheng was held incommunicado for 20 months by China's dictators. During that time, he was nominated for the Nobel Peace Prize by an international group of parliamentarians, including 58 Members of the U.S. Congress. During those 20 months, the Chinese Government held Wei without charging him, in violation of their own laws.

Two days before the U.S. holiday of Thanksgiving, I mention that because it is clear that the Chinese Government knew this would be at a time when Congress was not in session and able to respond to the charges, the Chinese Government finally acknowledged that they were holding Wei and formally charged him with attempting to overthrow the government. Last Friday, they announced that his trial would be on Wednesday, December 13. The charges are absurd; the verdict predictable and predetermined.

Wei's family has hired a talented and dedicated attorney to defend him, the same attorney who defended prominent dissidents Wang Juntao and Chen Ziming. Unfortunately, as of 48 hours before the trial, the attorney had neither been granted access to Wei nor allowed to view the dossier against him. This is but one example of the sham trial which is about to be undertaken.

Chinese authorities had originally announced that the trial would be open. The question here is to whom the word open applies—neither foreign journalists nor U.S. Embassy officials who have requested to attend the trial are being permitted to do so.

Wei Jingsheng's sister, Wei Shanshan, is in Washington, DC this week to appeal for help in freeing her brother. The bill before us today bolsters an international campaign on Wei's behalf. The international efforts include a campaign by prominent and distinguished international jurists, represented in the U.S. by former attorneys General Nicholas Katzenbach and Dick Thornburgh, to defend Wei and a campaign by PEN, the international authors organization, to appeal for Wei's release. House Concurrent Resolution 117 puts the strong voice and the moral authority of the United States House of Representatives on record in support of a fighter for freedom and Democratic reform, a man who embodies the values upon which our own great democracy was built.

As we commemorate human rights week, I call on the administration to live up to its rhetoric on human rights. President Clinton should communicate directly and in no uncertain terms to the Chinese Government at the highest levels that Wei Jingsheng must be released immediately and unconditionally. The United States and China cannot have a normal relationship while China insists upon violating international law and violating international norms of behavior.

I urge my colleagues to support freedom and democracy in China by supporting Wei Jingsheng. Wei is a strong symbol of, to, and for the Chinese dissidents who are risking their lives by bravely speaking out against tyranny.

Mr. Speaker, this morning we cheered the remarks of Shimon Peres as he spoke out in support of democracy and how it was important to peace. Hopefully, our colleagues will now join together in sending another strong message in support of democracy by supporting this resolution.

Once again, I commend the gentleman from New York [Mr. GILMAN], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from New Jersey [Mr. SMITH], and the gentleman from American Samoa [Mr. FALEOMAVAEGA] for giving us this opportunity to vote on this important legislation this evening.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of the concurrent resolution.

Mr. FALEOMAVAEGA. Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PORTER], the cochairman of the Human Rights Caucus.

(Mr. PORTER asked and was given permission to revise and extend his remarks.)

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Mr. PORTER. Mr. Speaker, I thank the gentleman from New York, the chairman of the committee, for yielding time to me.

Mr. Speaker, the world was outraged a month ago when the Government of Nigeria, the Abacha government, executed Ken Sarawiwa and all of the Ogoni Nine. Now China, Mr. Speaker, is conducting a quiet but comprehensive campaign to quash the remainder of China's dissident movement left from the violent 1989 crackdown on democracy protesters.

The trial of human rights advocate and Nobel Peace Prize nominee Wei Jingsheng, scheduled to begin tomorrow, culminates this vicious campaign. Human Rights Watch World Report 1996 reports that the formal arrest of Mr. Wei for conducting activities in an attempt to overthrow the Chinese Government was the most blatant example of the Chinese Government using trumped-up criminal charges against political dissidents.

Mr. Speaker, again and again the Chinese Government flagrantly ignores domestic and international pressure for peaceful political change. Instead relying on its economic attractiveness to foreign investors, Beijing continues to demonstrate its disdain for fundamental human rights guarantees and the rule of law.

It is time, Mr. Speaker, that that change. Mr. Speaker, it is outrageous that Mr. Wei has been detained since April 1994 without formal charges or the opportunity to communicate with his family or legal counsel. The Government of China should unconditionally release Mr. Wei. But at a minimum, Mr. Wei should be afforded all internationally recognized human rights, including the right to consult freely with counsel of his choice and to communicate with his family.

Mr. Speaker, to the extent that the world tolerates these outrageous abuses is the extent to which it encourages all repressive governments. But to the extent that we respond strongly against them, this and other governments will be restrained.

I commend the gentleman from New Jersey for offering this resolution. I commend the gentleman from New York for bringing it to the floor. I urge all Members to support its adoption.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in strong support of H. Con. Res. 117, a resolution which urges the Government of the People's Republic of China to immediately and unconditionally release Wei Jingsheng, a leader of China's modern democracy movement.

I want to thank the chairman, the gentleman from New York [Mr. GILMAN], and the chairman, the gentleman from New Jersey [Mr. SMITH], for moving this bill quickly.

I would say it is good that the Congress is speaking out both in the House and the Senate. When this comes up for a vote, it will be, hopefully, passed 435 to nothing.

I wonder, where is the business community? Why are they not speaking out on this issue? This indictment of Wei was handed down only 3 days after

Vice President AL GORE met with Chinese President Jiang Zemin in Osaka. Why has Wei been charged with attempting to overthrow the powerful and the repressive and weapons-laden Chinese Government? Because he dared to speak to Assistant Secretary for Human Rights and Humanitarian Affairs, John Shattuck, shortly after he was released in 1994.

Wei, Mr. Speaker, is the kind of hero and a patriot the United States should be supporting. The Clinton administration unfortunately has just simply expressed regret that the whole incident, a wholly inappropriate response, not even a slap on the wrist. The Vice President, Mr. Speaker, has even refused to meet with Wei's sister who is in Washington lobbying on behalf of her brother. If America does not have a hand to lend in his struggle for freedom, who does? Wei is like Sakharov or Shcharansky or Solzhenitsyn or someone like this.

I urge a strong and unanimous vote. I want to again thank Chairman GILMAN, Chairman SMITH, and the gentlewoman from California, Ms. PELOSI, and the others for their efforts to move this bill quickly.

The Chinese Government's formal arrest of Wei in November is a classic example of what happens to China's brave democracy activists when the world turns its back on them. Mr. Speaker, through the de-linking of trade from human rights in May 1994 and the failure of the Senate to take up the China Policy Act of 1995, the United States has indeed turned its back on Wei Jingsheng and the hundreds of other political prisoners, Christians, and Tibetan Buddhists who languish in Chinese jails today. The resolution we are debating today is only a step in the right direction. What the United States really needs is a tougher overall policy towards China. Engagement just isn't working. This indictment of Wei was handed down only 3 days after Vice President AL GORE met with Chinese President Jiang Zemin in Osaka.

Why has Wei Jingsheng been charged with attempting to overthrow the powerful, repressive, weapons-laden Chinese Government? Because he dared to speak to Assistant Secretary for Human Rights and Humanitarian Affairs John Shattuck shortly after he was released in 1994. Because he dared to tell the world that it should keep pressure on China to address human rights problems. Because he dared to speak to foreign journalists about the need for democracy despite being banned for 3 years from doing so by Chinese authorities.

Wei Jingsheng is the kind of hero and patriot the United States should be supporting. But the Clinton administration has simply expressed regret at the whole incident. A wholly inappropriate response. Not even a slap on the wrist. The Vice President has even refused to meet with Wei's sister who is in Washington lobbying on behalf of her brother. If America doesn't have a hand to lend to these struggling for freedom, who does? Where do they turn for help?

In July, 410 members of this Chamber supported H.R. 2058, a bill that would have given definition to the administration's China policy and commended brave democracy reformers like Wei Jingsheng. Supporters and opponents of revoking MFN status for China rallied around this unified message of disdain for China's human rights, weapons proliferation, and unfair trade policies.

It's been 6 months and the Senate has not yet taken up the bill. There are some who argue it's not the right time to tweak the Chinese Government's nose. There are some who want only to dialogue and engage and continue to let brave reformers like Wei Jingsheng suffer in jail or worse. If Congress cannot pass a statement of policy like H.R. 2058, what hope do people like Wei Jingsheng have?

I urge my colleagues to vote for H. Con. Res. 117, but I also encourage my colleagues to look inside themselves and decide when enough is enough. When Congress reconvenes in January, perhaps the MFN-human rights fight should begin anew. America must not walk away from these people.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, here we are on the floor of the House of Representatives talking about someone who languishes on in prison halfway around, on the other side of the world.

I would like to point something out here in this Chamber. Here as we stand in this bastion of democracy of the legislative branch, one of the oldest elected legislative branches in the world, we have two pictures on our walls. One is of George Washington; the other is of Lafayette. That suggests something about freedom and the way the American people think of freedom. The fact is that Lafayette heard of our struggle for freedom and democracy in far-off France, a country that was much further away from the United States in those days than we are from China today, and came to our country to help us in our struggle for freedom. We never forgot Lafayette. Years later he returned to the United States and was welcomed as a hero by the American people. Every little city and town and hamlet throughout our country welcomed him as a champion of American freedom.

That is because the people who founded our country understood that the concept of freedom and democracy is universal. It is not something that we hold dear just for Americans, but it is, instead, something that unites all peace-loving and freedom-loving people of the world everywhere.

Today another hero languishes in far-off China, in a prison in far-off China. We are putting the world on notice that we have remained true to the principles of Washington and of Lafayette and of Jefferson because we are on his side. I ask support of this resolution and ask my colleagues to join us in supporting Wei Jingsheng and his struggle for democracy and the people of China's struggle for democracy.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. SMITH], the sponsor of this measure, who is also a member of our Committee on International Relations.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank the gentleman from New York [Mr. GILMAN], the chairman, for his expeditious passage of this legislation in the full committee. I also thank the gentleman for his very strong leadership on human rights, particularly as it relates to the People's Republic of China.

I would like to thank the gentleman from Nebraska [Mr. BEREUTER], the gentleman from American Samoa [Mr. FALEOMAVAEGA], the gentleman from California [Mr. BERMAN], the gentleman from California [Mr. LANTOS], and the gentlewoman from California [Ms. PELOSI], who has been a real stalwart when it has come to China, Mr. LANTOS, Mr. BERMAN and the gentleman from California [Mr. COX], who spoke earlier and, of course, my good friend and colleague with whom I have traveled to China on behalf of human rights, the gentleman from Virginia [Mr. WOLF], who has been tenacious in promoting human rights around the globe.

Mr. Speaker, today the American people stand united in outrage at the latest assaults on freedom, democracy and decency by the government of the People's Republic of China. The ordeal of Wei Jingsheng began in 1979 when he took the Communist government at its word and wrote articles suggesting political reform. For this they sentenced him to a 15-year jail term.

In late 1993, he was unexpectedly released on parole, a few months prior to the end of his sentence. This gesture, I would note parenthetically, was designed to induce the Olympic committee to award Beijing as host of the Olympics 2000. They did not get it, as we all know.

During his long and unjust imprisonment, he has been severely beaten and subjected to other forms of physical and psychological abuse. He was in extremely poor health, but he had also become a hero in the meantime, a symbol of courage and even of hope to a beleaguered people.

It was my privilege, Mr. Speaker, to visit with Wei Jingsheng in Beijing in January 1994, during his very brief period of freedom. I found him to be extremely articulate, compassionate and principled. He spoke of his quest for democracy and human rights with a very keen understanding. Notwithstanding his horrific ordeal in prison, he never once slandered the leadership of the People's Republic of China. I was amazed at his lack of malice and his lack of rancor toward his jailers. I was deeply impressed by his kindness and his goodness.

A few weeks later, after meeting with Assistant Secretary of State for

Human Rights John Shattuck, he was rearrested. For 19 months the Beijing government would not even admit that they had Wei in its custody. He was cut off from communication with his family, with legal counsel, with his colleagues and admirers in the human rights movement. None of us knew for sure whether or not he was dead or alive.

When I visited Beijing in September of this year, I asked to visit Wei in prison. My request was not denied, it was just ignored as if he was persona non grata. Finally on November 21 of this year, the Beijing authorities acknowledged what the world already knew, that Wei was their prisoner. They announced their intention to try him for "attempting to overthrow the government."

This charge is clearly false, Mr. Speaker, unless it is just another way of saying that anyone who believes in freedom and democracy and who is not afraid to say so is a threat to the ultimate survival of a totalitarian regime such as the one in Beijing.

In a free country, Mr. Speaker, Wei Jingsheng would have a place of high honor in society. In today's China, the only question is whether he will be tried for a crime that is punishable by death or by a very, very long imprisonment. Wei is an innocent man, Mr. Speaker. In a free country, this would matter. In Communist China, it is his very innocence that his jailers hate and fear.

Mr. Speaker, there is disagreement among the Members of the United States Congress as to the best way to bring freedom and democracy to the People's Republic of China. Some believe that we must pursue a course of constructive engagement, that if we work closely with the Chinese officials and give them much of what they want from us, we will be in the best position to encourage them to improve their dismal human rights record. Others feel that the last 20 years of U.S. policy towards China amounts to a long and unrequired one-way love affair with a Communist dictatorship. Today, however, we all stand together, Republicans and Democrats, liberals and conservatives, pro- and anti-MFN advocates, united by one simple truth: This decent and gentle man is not a criminal.

The trial of Wei Jingsheng is set to begin in just a few hours and, looking at the clock, probably in just a few minutes. We appeal to President Zemin on his behalf. Release him. Today we pray, we hope and we can tell the truth on the floor of this House about what is happening to Wei Jingsheng. For just this one day, let us let the world know that the United States did not conduct business as usual with a government that brutalizes its own people and dishonors its heroes.

Wei Jingsheng deserves to be free. Let us send a clear, unmistakable expression of our support for him as he goes on trial and again in just a couple of minutes in China.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to again commend the gentleman from New Jersey, [Mr. SMITH] as the chief sponsor of this legislation. Not only that, but I commend him not only as an outstanding leader on our committee but certainly a champion of human rights throughout the world. I want to commend him for his leadership in that capacity.

Certainly I want to thank the gentleman from New York, chairman of our Committee on International Relations, for his leadership. In the spirit of bipartisanship, Mr. Speaker, I urge my colleagues that we support this resolution.

Mr. Speaker, I yield back the balance of my time.

□ 1945

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspended the rules and agree to the concurrent resolution, House Concurrent Resolution 117, as amended.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 2243, de novo; H.R. 2677, by the yeas and nays; H.R. 2148, by the yeas and nays; and House Concurrent Resolution 117 by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

TRINITY RIVER BASIN FISH AND WILDLIFE MANAGEMENT REAUTHORIZATION ACT OF 1995

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 2243, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 2243, as amended.

The question was taken.

Mr. RIGGS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 20, as follows:

[Roll No. 845]

YEAS—412

Abercrombie	Collins (IL)	Gallegly
Allard	Collins (MI)	Ganske
Andrews	Combest	Gejdenson
Archer	Condit	Gekas
Armey	Conyers	Gephardt
Bachus	Cooley	Geren
Baesler	Costello	Gibbons
Baker (CA)	Cox	Gilchrest
Baker (LA)	Coyne	Gillmor
Baldacci	Cramer	Gilman
Ballenger	Crane	Gonzalez
Barcia	Crapo	Goodlatte
Barr	Cremeans	Goodling
Barrett (NE)	Cubin	Gordon
Barrett (WI)	Cunningham	Goss
Bartlett	Danner	Graham
Barton	Davis	Green
Bass	de la Garza	Greenwood
Bateman	Deal	Gunderson
Becerra	DeFazio	Gutierrez
Beilenson	DeLauro	Gutknecht
Bentsen	DeLay	Hall (OH)
Bereuter	Dellums	Hall (TX)
Berman	Deutsch	Hamilton
Bevill	Diaz-Balart	Hancock
Bilbray	Dickey	Hansen
Bilirakis	Dixon	Harman
Bishop	Doggett	Hastings (FL)
Bliley	Dooley	Hastings (WA)
Blute	Doolittle	Hayes
Boehlert	Dornan	Hayworth
Boehner	Doyle	Hefley
Bonilla	Dreier	Hefner
Bonior	Duncan	Heineman
Bono	Dunn	Herger
Borski	Durbin	Hilleary
Boucher	Edwards	Hilliard
Brewster	Ehlers	Hinchey
Browder	Ehrlich	Hobson
Brown (CA)	Emerson	Hoekstra
Brown (FL)	Engel	Hoke
Brown (OH)	English	Holden
Brownback	Ensign	Horn
Bryant (TN)	Eshoo	Hostettler
Bunn	Evans	Houghton
Bunning	Everett	Hoyer
Burr	Ewing	Hunter
Burton	Farr	Hutchinson
Buyer	Fattah	Hyde
Callahan	Fawell	Inglis
Calvert	Fazio	Istook
Camp	Fields (LA)	Jackson-Lee
Canady	Fields (TX)	Jacobs
Cardin	Filner	Jefferson
Castle	Flake	Johnson (CT)
Chabot	Flanagan	Johnson (SD)
Chambliss	Foglietta	Johnson, E. B.
Chenoweth	Foley	Johnson, Sam
Christensen	Forbes	Johnston
Chrysler	Fowler	Jones
Clay	Fox	Kanjorski
Clayton	Frank (MA)	Kaptur
Clement	Franks (CT)	Kasich
Clinger	Franks (NJ)	Kelly
Clyburn	Frelinghuysen	Kennedy (MA)
Coble	Frisa	Kennedy (RI)
Coburn	Frost	Kennelly
Coleman	Funderburk	Kildee
Collins (GA)	Furse	Kim

King	Neal	Sisisky
Kingston	Nethercutt	Skaggs
Kleczka	Neumann	Skeen
Klink	Ney	Skelton
Klug	Norwood	Slaughter
Knollenberg	Nussle	Smith (MI)
Kolbe	Oberstar	Smith (NJ)
LaFalce	Obey	Smith (TX)
LaHood	Olver	Smith (WA)
Lantos	Ortiz	Solomon
Largent	Orton	Souder
Latham	Owens	Spence
LaTourette	Oxley	Spratt
Laughlin	Packard	Stark
Lazio	Pallone	Stearns
Leach	Parker	Stenholm
Levin	Pastor	Stockman
Lewis (CA)	Paxon	Stokes
Lewis (GA)	Payne (NJ)	Stump
Lewis (KY)	Payne (VA)	Stupak
Lightfoot	Pelosi	Talent
Lincoln	Peterson (FL)	Tanner
Linder	Peterson (MN)	Tate
Lipinski	Petri	Tauzin
Livingston	Pickett	Taylor (MS)
LoBiondo	Pombo	Taylor (NC)
Longley	Pomeroy	Tejeda
Lowey	Porter	Thomas
Lucas	Portman	Thompson
Luther	Poshard	Thornberry
Maloney	Quillen	Thornton
Manton	Quinn	Thurman
Manzullo	Radanovich	Tiahrt
Markey	Rahall	Torkildsen
Martinez	Ramstad	Torres
Mascara	Rangel	Torricelli
Matsui	Reed	Towns
McCarthy	Regula	Traficant
McCollum	Richardson	Upton
McCrery	Riggs	Vento
McDade	Rivers	Visclosky
McDermott	Roemer	Vucanovich
McHale	Rogers	Waldholtz
McHugh	Rohrabacher	Walker
McIntosh	Ros-Lehtinen	Walsh
McKeon	Rose	Wamp
McKinney	Roth	Ward
McNulty	Roukema	Waters
Meehan	Roybal-Allard	Watt (NC)
Meek	Royce	Watts (OK)
Menendez	Sabo	Waxman
Metcalf	Salmon	Weldon (FL)
Meyers	Sanders	Weldon (PA)
Mfume	Sanford	Weller
Mica	Sawyer	White
Miller (CA)	Saxton	Whitfield
Miller (FL)	Scarborough	Wicker
Minge	Schaefer	Williams
Mink	Schiff	Wilson
Molinari	Schroeder	Wise
Mollohan	Schumer	Wolf
Montgomery	Scott	Woolsey
Moorhead	Seastrand	Wynn
Moran	Sensenbrenner	Yates
Morella	Serrano	Young (AK)
Murtha	Shadegg	Young (FL)
Myers	Shaw	Zeliff
Myrick	Shays	
Nadler	Shuster	

NOT VOTING—20

Ackerman	Lofgren	Studds
Bryant (TX)	Martini	Tucker
Chapman	McInnis	Velázquez
Dicks	Moakley	Volkmer
Dingell	Pryce	Wyden
Ford	Roberts	Zimmer
Hastert	Rush	

□ 2007

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair had postponed further proceedings.

NATIONAL PARK AND NATIONAL WILDLIFE REFUGE SYSTEMS FREEDOM ACT OF 1995

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2677, as amended.

The clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 2677, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, an there were—yeas 254, nays 156, not voting 22, as follows:

[Roll No. 846]

YEAS—254

Allard	Cox	Hall (TX)
Andrews	Cramer	Hancock
Archer	Crane	Hansen
Armey	Crapo	Hastings (WA)
Bachus	Cremeans	Hayes
Baesler	Cubin	Hayworth
Baker (CA)	Cunningham	Hefley
Baker (LA)	Danner	Heineman
Ballenger	Deal	Herger
Barcia	DeLay	Hilleary
Barr	Diaz-Balart	Hobson
Barrett (NE)	Dickey	Hoekstra
Bartlett	Doolittle	Hoke
Barton	Dornan	Horn
Bass	Dreier	Hostettler
Bateman	Duncan	Houghton
Bereuter	Dunn	Hunter
Bilbray	Ehlers	Hutchinson
Bilirakis	Ehrlich	Hyde
Bishop	Emerson	Inglis
Bliley	English	Istook
Blute	Ensign	Jacobs
Boehlert	Everett	Johnson (CT)
Boehner	Ewing	Johnson (SD)
Bonilla	Fawell	Johnson, Sam
Bono	Fields (TX)	Jones
Brewster	Flanagan	Kasich
Browder	Foley	Kelly
Brownback	Forbes	Kim
Bryant (TN)	Fowler	King
Bunn	Fox	Kingston
Bunning	Franks (CT)	Klug
Burr	Franks (NJ)	Knollenberg
Burton	Frelinghuysen	Kolbe
Callahan	Frisa	LaHood
Calvert	Funderburk	Largent
Camp	Gallegly	Latham
Canady	Ganske	LaTourette
Castle	Gekas	Laughlin
Chabot	Geren	Lazio
Chambliss	Gilchrest	Leach
Chenoweth	Gillmor	Lewis (CA)
Christensen	Gilman	Lewis (KY)
Chrysler	Goodlatte	Lightfoot
Clement	Goodling	Lincoln
Clinger	Gordon	Linder
Coble	Goss	Livingston
Coburn	Graham	LoBiondo
Collins (GA)	Green	Longley
Combest	Greenwood	Lucas
Condit	Gunderson	Manzullo
Cooley	Gutknecht	McCollum
McCrery	Radanovich	Stenholm
McDade	Ramstad	Stockman
McHugh	Regula	Stump
McIntosh	Riggs	Talent
McKeon	Rogers	Tanner
Metcalf	Rohrabacher	Tate
Meyers	Ros-Lehtinen	Tauzin
Mica	Roth	Taylor (MS)
Miller (FL)	Roukema	Taylor (NC)
Minge	Royce	Thomas
Molinari	Salmon	Thornberry
Montgomery	Sanford	Thurman
Moorhead	Saxton	Tiahrt
Myers	Scarborough	Torkildsen
Myrick	Schaefer	Traficant
Nethercutt	Schiff	Upton
Neumann	Seastrand	Vucanovich
Ney	Sensenbrenner	Waldholtz
Norwood	Shadegg	Walker
Oxley	Shaw	Walsh
Packard	Shays	Wamp
Parker	Shuster	Watts (OK)
Pastor	Sisisky	Weldon (FL)
Paxon	Skeen	Weldon (PA)
Payne (VA)	Skelton	Weller
Peterson (MN)	Smith (MI)	Whitfield
Petri	Smith (NJ)	Wicker
Pombo	Smith (TX)	Wilson
Pomeroy	Smith (WA)	Wolf
Porter	Solomon	Young (AK)
Portman	Souder	Young (FL)
Quillen	Spence	Zeliff
Quinn	Stearns	

NAYS—156

Abercrombie	Gibbons	Neal
Baldacci	Gonzalez	Oberstar
Barrett (WI)	Gutierrez	Obey
Becerra	Hall (OH)	Olver
Beilenson	Hamilton	Ortiz
Bentsen	Harman	Orton
Berman	Hastings (FL)	Owens
Bevill	Hefner	Pallone
Bonior	Hilliard	Payne (NJ)
Borski	Hinchey	Pelosi
Boucher	Holden	Peterson (FL)
Brown (CA)	Hoyer	Pickett
Brown (FL)	Jackson-Lee	Poshard
Brown (OH)	Jefferson	Rahall
Cardin	Johnson, E. B.	Rangel
Clay	Johnston	Reed
Clayton	Kanjorski	Richardson
Clyburn	Kaptur	Rivers
Coleman	Kennedy (MA)	Roemer
Collins (IL)	Kennedy (RI)	Rose
Collins (MI)	Kennelly	Roybal-Allard
Conyers	Kildee	Sabo
Costello	Kleczka	Sanders
Coyne	Klink	Sawyer
Davis	LaFalce	Schroeder
de la Garza	Lantos	Schumer
DeFazio	Lewis (GA)	Scott
DeLauro	Lipinski	Serrano
Dellums	Lowey	Skaggs
Deutsch	Luther	Slaughter
Dingell	Maloney	Spratt
Dixon	Manton	Stark
Doggett	Markey	Stokes
Dooley	Martinez	Stupak
Doyle	Mascara	Tejeda
Durbin	Matsui	Thompson
Edwards	McCarthy	Thornton
Engel	McDermott	Torres
Eshoo	McHale	Torricelli
Evans	McKinney	Towns
Farr	McNulty	Vento
Fattah	Meehan	Visclosky
Fazio	Meek	Ward
Fields (LA)	Menendez	Waters
Filner	Mfume	Watt (NC)
Flake	Miller (CA)	Waxman
Foglietta	Mink	White
Frank (MA)	Mollohan	Williams
Frost	Moran	Wise
Furse	Morella	Woolsey
Gejdenson	Murtha	Wynn
Gephardt	Nadler	Yates

NOT VOTING—22

Ackerman	Hastert	Nussle
Bryant (TX)	Levin	Pryce
Buyer	Lofgren	Roberts
Chapman	Martini	Rush
Dicks	McInnis	
Ford	Moakley	

Studds	Velazquez	Wyden
Tucker	Volkmer	Zimmer

□ 2017

Mr. BROWN of Ohio changed his vote from "yea" to "nay."

So (two-thirds having not voted in favor thereof), the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RUSH. Mr. Speaker, during rollcall vote No. 846, I was unavoidably detained. Had I been present I would have voted "nay".

DNA IDENTIFICATION GRANTS IMPROVEMENT ACT OF 1995

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and passing the bill, H.R. 2418, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 2418, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 5, not voting 20, as follows:

[Roll No. 847]

YEAS—407

Abercrombie	Burton	Doggett
Allard	Buyer	Dooley
Andrews	Callahan	Doolittle
Archer	Calvert	Dornan
Armey	Camp	Doyle
Bachus	Canady	Dreier
Baesler	Cardin	Duncan
Baker (CA)	Castle	Dunn
Baker (LA)	Chabot	Durbin
Baldacci	Chambliss	Edwards
Ballenger	Chenoweth	Ehlers
Barcia	Christensen	Ehrlich
Barr	Chrysler	Emerson
Barrett (NE)	Clement	Engel
Barrett (WI)	Clinger	English
Bartlett	Coble	Ensign
Barton	Coburn	Eshoo
Bass	Coleman	Evans
Bateman	Collins (GA)	Everett
Becerra	Collins (IL)	Ewing
Beilenson	Collins (MI)	Farr
Bentsen	Combest	Fattah
Bereuter	Condit	Fawell
Berman	Conyers	Fazio
Bevill	Cooley	Fields (LA)
Bilbray	Costello	Fields (TX)
Bilirakis	Cox	Filner
Bishop	Coyne	Flake
Bliley	Cramer	Flanagan
Blute	Crane	Foglietta
Boehlert	Crapo	Foley
Boehner	Cremeans	Forbes
Bonilla	Cubin	Fowler
Bonior	Cunningham	Fox
Bono	Danner	Frank (MA)
Borski	Davis	Franks (CT)
Boucher	de la Garza	Franks (NJ)
Brewster	Deal	Frelinghuysen
Browder	DeFazio	Frisa
Brown (CA)	DeLauro	Frost
Brown (FL)	DeLay	Funderburk
Brown (OH)	Dellums	Furse
Brownback	Deutsch	Gallegly
Bryant (TN)	Diaz-Balart	Ganske
Bunn	Dickey	Gejdenson
Bunning	Dingell	Gekas
Burr	Dixon	Gephardt
Geren	LoBiondo	Rose
Gibbons	Longley	Roth
Gilchrest	Lowey	Roukema
Gillmor	Lucas	Roybal-Allard
Gilman	Luther	Royce
Gonzalez	Maloney	Sabo
Goodlatte	Manton	Salmon
Goodling	Manzullo	Sanders
Gordon	Martinez	Sanford
Goss	Mascara	Sawyer
Graham	Matsui	Saxton
Green	McCarthy	Schaefer
Greenwood	McCollum	Schiff
Gunderson	McCrery	Schroeder
Gutierrez	McDade	Schumer
Gutknecht	McDermott	Scott
Hall (OH)	McHale	Seastrand
Hall (TX)	McHugh	Sensenbrenner
Hamilton	McIntosh	Serrano
Hancock	McKeon	Shadegg
Hansen	McKinney	Shaw
Harman	McNulty	Shays
Hastings (FL)	Meehan	Shuster
Hastings (WA)	Meek	Sisisky
Hayes	Menendez	Skaggs
Hayworth	Metcalf	Skeen
Hefley	Meyers	Skelton
Hefner	Mfume	Slaughter
Heineman	Mica	Smith (MI)
Herger	Miller (CA)	Smith (NJ)
Hilleary	Miller (FL)	Smith (TX)
Hilliard	Minge	Smith (WA)
Hinchey	Mink	Solomon
Hobson	Molinari	Souder
Hoekstra	Mollohan	Spence
Hoke	Montgomery	Spratt
Holden	Moorhead	Stark
Horn	Moran	Stearns
Hostettler	Morella	Stenholm
Houghton	Murtha	Stockman
Hoyer	Myers	Stokes
Hunter	Myrick	Stump
Hutchinson	Nadler	Stupak
Hyde	Neal	Talent
Inglis	Nethercutt	Tanner
Istook	Neumann	Tate
Jackson-Lee	Ney	Tauzin
Jacobs	Norwood	Taylor (MS)
Jefferson	Nussle	Taylor (NC)
Johnson (CT)	Oberstar	Tejeda
Johnson (SD)	Obey	Thomas
Johnson, E. B.	Olver	Thompson
Johnson, Sam	Ortiz	Thornberry
Johnston	Orton	Thornton
Jones	Owens	Thurman
Kanjorski	Oxley	Tiahrt
Kaptur	Packard	Torkildsen
Kasich	Pallone	Torres
Kelly	Parker	Torricelli
Kennedy (MA)	Pastor	Towns
Kennedy (RI)	Paxon	Traficant
Kennelly	Payne (NJ)	Upton
Kildee	Payne (VA)	Vento
Kim	Pelosi	Visclosky
King	Peterson (FL)	Vucanovich
Kingston	Peterson (MN)	Waldholtz
Kleczka	Petri	Walker
Klink	Pickett	Walsh
Klug	Pombo	Wamp
Knollenberg	Pomeroy	Ward
Kolbe	Porter	Watts (OK)
LaFalce	Portman	Waxman
LaHood	Poshard	Weldon (FL)
Lantos	Pryce	Weldon (PA)
Largent	Quillen	Weller
Latham	Quinn	White
LaTourette	Radanovich	Whitfield
Laughlin	Rahall	Wicker
Lazio	Ramstad	Williams
Leach	Rangel	Wilson
Levin	Reed	Wise
Lewis (CA)	Regula	Wolf
Lewis (GA)	Richardson	Woolsey
Lewis (KY)	Riggs	Wynn
Lightfoot	Rivers	Yates
Lincoln	Roemer	Young (AK)
Linder	Rogers	Young (FL)
Lipinski	Rohrabacher	Zeliff
Livingston	Ros-Lehtinen	

NAYS—5

Clayton	Scarborough	Watt (NC)
Clyburn	Waters	

NOT VOTING—20

Ackerman	Lofgren	Studds
Bryant (TX)	Markey	Tucker
Chapman	Martini	Velazquez
Clay	McInnis	Volkmer
Dicks	Moakley	Wyden
Ford	Roberts	Zimmer
Hastert	Rush	

□ 2025

Mr. SCARBOROUGH and Mr. CLYBURN changed their vote from "yes" to "nay."

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONCURRENT RESOLUTION CONCERNING WRITER, POLITICAL PHILOSOPHER, HUMAN RIGHTS ADVOCATE, AND NOBEL PEACE PRIZE NOMINEE WEI JINGSHENG

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Resolution 117 as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Resolution 117, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 23, as follows:

[Roll No 848]

YEAS—409

Abercrombie	Boucher	Cooley
Allard	Brewster	Costello
Andrews	Browder	Cox
Archer	Brown (CA)	Coyne
Armey	Brown (FL)	Cramer
Bachus	Brown (OH)	Crane
Baesler	Brownback	Crapo
Baker (CA)	Bryant (TN)	Cremeans
Baker (LA)	Bunn	Cubin
Baldacci	Bunning	Cunningham
Ballenger	Burr	Danner
Barcia	Burton	Davis
Barr	Callahan	de la Garza
Barrett (NE)	Calvert	Deal
Barrett (WI)	Camp	DeFazio
Bartlett	Canady	DeLay
Barton	Cardin	Dellums
Bass	Castle	Deutsch
Bateman	Chabot	Diaz-Balart
Becerra	Chambliss	Dickey
Beilenson	Chenoweth	Dingell
Bentsen	Christensen	Dixon
Bereuter	Chrysler	Doggett
Berman	Clayton	Dooley
Bevill	Clement	Doolittle
Bilbray	Clinger	Dornan
Bilirakis	Clyburn	Doyle
Bishop	Coble	Dreier
Bliley	Coburn	Duncan
Blute	Coleman	Dunn
Boehlert	Collins (GA)	Durbin
Boehner	Collins (IL)	Edwards
Bonilla	Collins (MI)	Ehlers
Bonior	Combest	Ehrlich
Bono	Condit	Emerson
Borski	Conyers	Engel

English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NOT VOTING—23

Ackerman
Bryant (TX)
Buyer
Chapman
Clay
DeLauro
Dicks
Flake
Ford
Hastert
Lofgren
Martini
McInnis
Moakley
Pickett
Roberts
Rush
Studds
Tucker
Velazquez
Volkmer
Wyden
Zimmer

□ 2032

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. DELAURO. Mr. Speaker, during rollcall vote No. 848 on House Concurrent Resolution 117, I was unavoidably detained. Had I been present, I would have voted "yea".

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, on rollcall No. 845, 846, 847, and 848 I was unavoidably detained. Had I been present, I would have voted "yea" on each of those votes.

PERSONAL EXPLANATION

Mr. RUSH. Mr. Speaker, during rollcall vote Nos. 834, 835, 836, 837, 845, 847, and 848, I was unavoidably detained. Had I been present I would have voted "aye."

RESIGNATION AS CONFEREE AND APPOINTMENT OF CONFEREE ON H.R. 2539, ICC ELIMINATION ACT OF 1995

The SPEAKER pro tempore laid before the House the following resignation as a conferee:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 12, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I hereby resign as a conferee on H.R. 2539, the ICC Elimination Act, effective immediately.

Thank you for your prompt attention to this matter. With best wishes and kind regards, I remain.

Sincerely,

WILLIAM O. LIPINSKI,
Member of Congress.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the resignation is accepted.

There was no objection.

The SPEAKER pro tempore. Without objection, to fill the vacancy, the Speaker appoints the gentleman from West Virginia [Mr. WISE] for consideration of the House bill and the Senate amendment and modifications committed to conference.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 12, 1995.

Hon. PETE WILSON,
Governor, State Capitol,
Sacramento, CA.

DEAR MR. GOVERNOR: Obviously, you are aware of the recent turn of events in my life. While I finally received my day in court, I, unfortunately, was not judged by a jury of my peers and in my opinion, did not receive a just verdict. Nevertheless, that verdict is a reality pending appeal.

As I stated to the media immediately after my verdict, it was never my intention to put the Congress through a vote on expulsion if I were convicted. Therefore, I am hereby tending my resignation as representative of the 37th Congressional district effective December 15, 1995.

Contrary to what anyone has ever said or intimated, I have never sold out my constituency or my oath of office. I am fully persuaded that in the near future God will vindicate my name.

Sincerely,

WALTER R. TUCKER III.

GENERAL LEAVE

Mr. TATE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2243, passed earlier today.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

GENERAL LEAVE

Mr. TATE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2677, passed earlier today.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

SITUATION IN BOSNIA

(Mr. DORNAN asked and was given permission to address the House for 1 minute.)

Mr. DORNAN. Mr. Speaker, I spent the greater part of today up in New

Hampshire. I was in California over the weekend. Everywhere I go, along with the budget and Americans telling Republicans, "Either get with it or get out of the way, you will not be reelected if you do not keep your promises," but right up there, coequal and even more impassioned, is Bosnia.

I circulated a letter with 70 signatures, I only needed 50, last week. I have a conference at 9 o'clock in the morning. I do not think it is the most propitious time. I kind of have a suspicion I am being sandbagged. I am putting all of the Republicans on notice, 235.

One cannot go home this Christmas, particularly after the first American steps on a mine, and be truthful and say you did everything you could to support our troops by not sending them in harm's way.

Mr. SCARBOROUGH. Mr. Speaker, will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Let me just follow up. There is no excuse for any Republican to say he or she is too busy tomorrow morning, at 9 a.m. in the morning, to make a statement on what is going on in Bosnia, on whether we send young Americans to die in a conflict over Christmas in the snows of Bosnia in a three-way civil war that has been going on 500 years. I thank the gentleman for letting us get involved, and I will certainly be there.

MORE ON BOSNIA

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Speaker, as I was saying, there is nothing more important we can be doing tomorrow morning than make a definitive statement on Bosnia.

Mr. DORNAN. Mr. Speaker, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from California.

Mr. DORNAN. Mr. Speaker, there is an aspect to this that can be like one of the best debates in this century, and that was the debate over Desert Storm and Desert Shield.

What I would say, we are not going to yell at anybody that says their vision of supporting the troops is just a cave-in to Clinton. We are going to discuss the Constitution, the powers allocated to the presidency, Republican, Democrat, or prohibition party. This is not an imperial presidency that can send people no matter what the needs to Tibet, Rwanda, Sudan, Somalia, Haiti, and back to all the Balkan countries, without the Congress, both the House and the Senate, weighing in in the debate.

Mr. SCARBOROUGH. Mr. Speaker, reclaiming my time, the question is not whether we support the troops or not. Both the gentleman and I will support the troops, we will salute those troops, we will go over and visit them, in fact, over the holidays if they are in fact sent. But we have a responsibility to ask very difficult questions before we commit troops to get involved in a 500-year civil war.

RICH GET RICHER, POOR GET POORER

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. GENE GREEN of Texas. Mr. Speaker, I would like to recommend to all members an article that appeared in the Washington Post business section last week, which I will insert in the RECORD.

The article reported on a bipartisan round-table discussion on the rising gap between rich and poor, and the shrinking middle class in our country.

This trend is no secret. Ask any working American. We have been downsized, laid-off, cut pay, cut jobs to the point that even the Business section reports it.

I was pleased to read that some of the speakers—notably Jack Kemp—emphasized economic growth and economic development as the way to narrow the income gap in our country, not just balancing the budget.

Mr. Kemp continues to be one of the few Republicans willing to address the issue of income inequality and the poor condition of our cities instead of treating them as inconvenient facts that should be ignored or denied.

Beyond balancing the budget, we need to emphasize education and training for our children and make the necessary public investments to help create economic growth.

It is a shame that programs such as the School-to-Work program—which connects high school students to the world of work—could be eliminated by this Congress.

I invite those from the other side of the aisle who believe that the income gap is a real problem to speak up—as Jack Kemp has—and give this issue the attention it deserves.

[From the Washington Post, Dec. 7, 1995]

INCOME GAP IS ISSUE NO. 1, DEBATERS AGREE

(By Steven Pearlstein)

The growing income gap between the rich and the poor has become the central issue in American politics, and the party that figures out what to do about it—or that makes the right noises about it—will dominate American politics.

That was the message from the left and the right, Democrat and Republican, politician and pollster, economist and financier at a forum on inequality held yesterday on Capitol Hill.

"The main cause of America's anxiety is the growing gap between the haves, the have-nots and those in the middle who feel they are on a treadmill in which they have to run faster and faster merely to say in place," said Rep. Charles E. Schumer (D-N.Y.), who organized the event with retiring Sen. Bill Bradley (D-N.J.).

Stanley Greenberg, who conducts polls for the White House and the Democratic National Committee, told the gathering that nearly all recent elections have been decided by "downscale" voters who swing between Republicans, Democrats and independents such as Ross Perot in a desperate search for an answer to their declining economic fortunes.

"There is no more central subject in politics today," Greenberg declared, "and no party will be successful without addressing it successfully."

Kevin Phillips, a free-ranging Republican theorist and author of "The Politics of Rich and Poor," said the reluctance of Republicans to face up to the inequality issue was now costing them the support of one-third of their natural base of voters.

Rather than signaling the rise of a new Republican era, Phillips predicted, last year's Republican takeover of Congress will go down as the last gasp of a Republican era that began with the election of Richard Nixon in 1968, but has now been taken over by a coalition of right-wing ideologues and Wall Street interests. He noted that two earlier Republican eras, the Gilded Age of the 1880s and 1890s and the Roaring Twenties, ended when progressives were able to ride into office on the inequality issue.

Treasury Secretary Robert E. Rubin opened the session by declaring that rising inequality has so torn the social fabric that fixing it amounts to not only a moral or political imperative, but also an economic one.

If no solution is found, Rubin said, angry voters will soon turn to radical measures such as restoring trade barriers or re-regulating entire industries—moves that he predicts would slow economic growth and ultimately be self-defeating.

And former representative Jack F. Kemp, who now heads a Republican tax reform commission, warned that the plight of the urban poor had become morally "unconscionable" and politically unacceptable. For that reason, Kemp said Republicans should make boosting economic growth rates, not balancing the budget, their top political priority.

Nobody at yesterday's session took issue with a raft of recent reports showing that the household incomes of those in the bottom 40 percent of the economy have slipped over the last 20 years, when adjusted for inflation, while all the income growth has been concentrated in the households in the top 20 percent.

But there was a spirited and, in the end, unresolved debate over what to do about it.

Steven Rattner, a managing partner at the Wall Street investment firm of Lazard Freres & Co., argued that they key to narrowing the income gap was more and better training programs to get a better match between the jobs demanded by the new economy and the skills of workers at the bottom of the income scale.

But Louis Jacobson, a researcher at Westat Inc. in Rockville, said his studies found that such programs inevitably reach only a small portion of the work force that could benefit from them.

And Cornell University economist Robert Frank argued that many labor markets now exhibit a "winner take all" quality to them that gives disproportionate salaries to whoever is at the top, no matter how much education and training the people below them have.

Kemp, along with Rattner, argued that it would be folly to address the problem of rising inequality by expanding government efforts to transfer income from the rich to the poor.

"I don't think poor people are poor because rich people are rich," said Kemp in arguing against welfare and other "redistributionist" programs.

But not everyone agreed.

"Redistribution is not a naughty word," said Gary Burtless, an economist at the Brookings Institution in Washington.

Burltess noted that the long-term shift in the government's income support programs from the poor to the elderly middle class was a major contributor to growing inequality in recent years. And he noted that countries such as Germany and Japan had been able to finance much more generous social programs than the United States while still turning in as good or better economic performance over the past 20 years.

Burltess's comment was seconded by Timothy Smeeding, an economist at Syracuse University whose recent study found that although the United States is the richest nation, its poor have a lower standard of living than the poor of all other industrial countries.

"I think we have no choice now but to take greater account of the losers," said Smeeding.

SPECIAL ORDERS

The SPEAKER pro tempore. (Mr. JONES). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AGREEMENT NEEDED ON REACHING A BALANCED BUDGET IN 7 YEARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine [Mr. LONGLEY] is recognized for 5 minutes.

Mr. LONGLEY. Mr. Speaker, this is now coming under the third week where we have had an agreement with the administration to work together to achieve a 7-year balanced budget. Again, I need to call attention to the fact that our national debt of over $4.9 trillion remains unaddressed from the standpoint of our ability to come up with a successful budget.

I happened to see an article dated from last week's New York Times, December 6, 1995, an article by David Sanger, with the headline that says "Administration says it can avoid a borrowing crisis through January."

As we all know, the administration is struggling to avoid dealing with the reality of the fact that we must work together to achieve a balanced Federal budget in the next 7 years. The article goes on to say, "Treasury Secretary Robert E. Rubin said today that the administration had found new, though legally untested methods, of keeping the government solvent at least through January."

The article goes on to say "While Mr. Rubin would not discuss how long he could drag out his delicate fiscal balancing act, other administration officials said the Treasury and Justice Department lawyers had been meeting daily to devise a legally defensible strategy for sidestepping the Congressionally set $4.9 trillion limit on Federal borrowing well into the spring." I emphasize that.

It goes on to say, "Mr. Rubin declined to say what method the Treasury had chosen to keep the government paying its bills and the interest and principal due on government securities."

Mr. Speaker, this is an extremely serious matter. As I read into the article, it goes on to say that the extent of borrowing that has been designed to sidestep the debt limit may well exceed $60 billion. That is $60 billion of potentially unauthorized indebtedness.

It goes on to say that, quoting from the article in the New York Times, Wednesday, December 6, by manipulating how the Government retirement funds are invested, the Treasury Secretary has put the Government about $60 billion under the debt ceiling, enough to enable it to borrow the funds to make it through the month of December.

I think this is a serious issue, and I hope that as we try to work together with the administration through the rest of this week, as we work together with the administration to try to reach a balanced budget over the next 7 years, we can come to some complete and final agreement on how Republicans and Democrats can work together to finally balance the Federal budget.

□ 2045

REPRESENTATIVE MFUME SPEAKS TO HIS DECISION TO LEAVE THE CONGRESS TO HEAD UP THE NAACP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. MFUME] is recognized for 5 minutes.

Mr. MFUME. Mr. Speaker, I actually thought I would wait until later in the week or perhaps later in the month to come before the House and to express to my colleagues who are here and those who are watching in their respective offices a great sense of appreciation, a great deal of loss, and, at the same time, a great deal of anticipation of what, for me, becomes the beginning of a new journey of a thousand miles.

Mr. Speaker, I came to this institution in early 1987 with the class of the historic 100th Congress. It was a different Congress then, and in many respects there were different people. This institution, over the years, long before I got here, and I am sure long after I am gone, will continue, in many respects, to be the scorn in the eyes of some, the hope in the eyes of others, but the only institution that, as Americans, we have in our legislative branch of Government.

So as we contemplate coming and going, for me it was a tough decision and yet an easy decision. I was always taught that we come here with nothing and we leave this life with nothing, and that it is what we do between our birth date and our death date that determines our worth and our value and our substance as a human being.

Those of us who have come to this point to be in service to America and to our colleagues and to people all across this country, whose policies affect countless millions of nameless, faceless Americans, and whose conduct, quite frankly, and whose decorum is watched by persons who want to be here and by those who will never get here. But all of those things in the aggregate essentially determine what kind of government we have and how we, as caretakers of that government, are perceived.

Mr. Speaker, I will miss, obviously, this institution. I have come to love it. I believe in the necessity of an open and free Democratic form of government. I will miss the individuals here, who I have served with on both sides of the aisle, all from different walks of life. We have debated great issues together: The Civil Rights Act of 1991, the gulf war, the great decisions to think of and to ultimately pass an Americans With Disabilities Act, and numbers of other bills and measures that speak to the life style that many of America's people now enjoy.

I will also miss, to some extent, the process. But I think those who know me recognize that because I come from humble beginnings, it really was not a major decision to give up a safe congressional seat, with 82 and 84 percent of the vote election after election, and to walk toward an organization considered by some to be in disarray and perhaps by some to be in disrepair.

Because I have an excitement inside of me that speaks of a new vision, a new vision of hope and possibility, I believe in the aspect of coalition. I know what it will take in this country for us to be a better Nation. I want to be a part of the process. I agonize, like many of my colleagues going home at night, in the comfort of my own surroundings, and knowing that violence still plagues our Nation, that hatred and racial polarization have not gone away, that many people who look like you and look like me, regardless of their station in their life, still have a dose of despair in their eyes, that are young and have given up on themselves, and they plan now for their funerals because they do not expect to reach the age of 25, that drug abuse and spousal abuse and child abuse run

rampant in a Nation that ought have been beyond that and ought to have found lessons to have gotten there.

All of those things are also part of the America that we love, but they beckon me in a different way tonight, and they call me in such a way that I cannot say no.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. MFUME. I would be more than happy to yield to the gentleman from California.

Mr. CUNNINGHAM. First of all, there will be a lot of the conservatives that will miss the gentleman. Your willingness, I know on the civil rights bill, and other issues that were very complicated, it does not mean we do not disagree on certain models, but the gentleman will leave this House with integrity, value and substance, Mr. MFUME. And I want to let the gentleman know that of a lot of the Members on that side, the gentleman has been someone that I have been able to sit down with, even with differing issues. The gentleman has been very amenable, very supportive, and I want to thank him.

Mr. MFUME. Mr. Speaker, I thank the gentleman for those kind and heartfelt words.

There is an aspect of service in this America that I talked about, even fraught with all those problems and difficulties, that I also need to say before I yield back any time I have remaining, and that is the relationships, the personal relationships that we develop in here and the desire to always want to believe in the best of other people.

I looked at the gentleman from Missouri, HAROLD VOLKMER, go through the agony of watching his wife, die of cancer over a sustained period of time. I have talked to Members on both sides of the aisle about the birth of a child, or a wedding, or the ability to get a child through college, or the need just to find a way to get away from the day-to-day agonies of the job and to be people again. I would hope that as we all come to grips with what we do in this institution, that we recognize that as individuals and as Americans, aside from party affiliation, it really is what we do between that birth date and that death date that will determine our worth as human beings.

Mr. WELDON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MFUME. I would be more than happy to yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Speaker, just to add my comments to our friend and colleague from California. I came to the session of the Congress that the gentleman came to and have had the highest respect for him in the 9 years I have known him.

The gentleman will leave this body and will leave a great loss to us because he has been a key leader and someone that all of us respect on both sides of the aisle. But he certainly is the gain for the NAACP and those issues which he will lead this country forward on.

We look forward to working with the gentleman in his new capacity and pledge the gentleman our full cooperation. He has been a real inspiration to Members on both sides of the aisle. We will miss him, but we look forward to his leadership on an even greater height for all of America.

Mr. MFUME. Mr. Speaker, I thank the gentleman very much. I know I am out of time.

The SPEAKER pro tempore (Mr. JONES). The time of the gentleman from Maryland has expired, but we would like to give 3 or 4 additional minutes to the fine gentleman from Maryland.

Mr. MFUME. I thank the Chair for his generosity, and I promise I will not use all of that, because despite the best wishes of some, I am still going to be around here for a few more weeks raising you know what.

I do want to say, before sitting down, that I believe that we have a golden opportunity, and certainly I do, heading up the NAACP, America's oldest and largest civil rights organization, to bring a sense of balance, to add to the dialog, to seek coalition, to give hope to our young people, to defy the odds, to put in place an apparatus for economic empowerment, to do away with some of the disparities in our society, to emphasize again educational excellence and individual responsibility, and to really provide a clear and consistent path that might be visible to other people.

So I welcome that task and I thank all of my colleagues who I have served with, for their friendship over the years, for their counsel, for their ability to engage in debate on those principal issues that they believed in, but most of all for being a part of what I consider to be the greatest institution of American Government, and that is the House of the people.

VOTE ON BOSNIA IS ESSENTIAL BEFORE THURSDAY, DECEMBER 14, 1995

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, I would like to discuss today why it is absolutely essential that we have a vote on Bosnia before Thursday. The President will initial and actually sign the peace agreement on Thursday, and I believe it is absolutely vital that we go through this one more time so that we are certain we have done everything that we can to be sure about such things as what is the vital U.S. interest. The President's discussion of that in his speech was absolutely inadequate. It would apply to any trouble spot in the world.

I said during the campaign, and I would say now, I would only support U.S. ground troops anywhere in the world if clearly defined and easily understood vital U.S. issues are clearly threatened. In addition, the President promised specific detailed information on the mission, the objective, and the objective to be achieved so that we can leave in 1 year. Specific detailed information. I have not seen that. It may have been given, but I have not seen it.

Mr. Speaker, sad experiences have taught us it is very easy to move troops in; it is very difficult to accomplish the objective once they are there, and extremely more difficult to get out in a timely and honorable way.

I believe we must do everything we can to prevent funding, to in every way tell the President this is not a good idea and that the American people are not thrilled about this Bosnia adventure. I think we must do this before the signing, before the decision is irrevocable.

We know and the people know, Mr. Speaker, that the Bosnia adventure is folly. The President is ignoring the public, as he ignored the 315 Members of this House that voted asking the President not to make our troops in Bosnia a part of the peace agreement. He went and did it anyway. I think ignoring the people and the Congress is a shocking thing, and I think that we do have to have the vote to either endorse the President's action, which may happen, or tell him clearly that it is not in the public interest.

SECRETARY O'LEARY THE CLINTON ADMINISTRATION'S MATERIAL GIRL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, Secretary O'Leary is the Clinton administration's material girl. Secretary O'Leary has taken 16 overseas trips since she has taken office. She has been gone 130 days. That is, amazingly, 50 percent more time overseas than Secretary of State Warren Christopher, who is responsible for foreign relations and responsible for foreign policy.

There is no material reason why the "material girl" spends so much time overseas. The Secretary of the Department of Defense is responsible for the storage of civilian and Department of Defense nuclear waste. She is responsible for the national energy labs, power marketing administrations, and storage of strategic oil reserves. But Clinton's material girl, all her responsibilities are domestic. Domestic responsibilities.

But Secretary O'Leary has leased a luxury jet, the same luxury jet that Hollywood's material girl, Madonna, uses. Let us look at one of the trips she spent on the Madonna jet. She went to South Africa. She was gone 10 days. She took 51 staffers, 58 guests, a total of 109 people. Photographers were hired. They hired video crews to record the whole event. The cost to the American taxpayer, $560,000.

Now, Vice President GORE has tried to defend Secretary O'Leary's travels, and he has said her trips have created thousands of American jobs and billions of dollars in contracts, so I think it should all be in perspective. Well, early in the year, when I was debating Secretary O'Leary on the MacNeil-Leher report, she stated she had produced $19.7 billion in business contracts. Last month she revised that down to $10 billion. Now we find out it is closer to $1.4 billion, and those are only signed letters of intent, not signed contracts. And a large part of that $1.4 billion is claimed by Secretary Brown. In fact, he is taking full credit.

Well, the gentleman from Ohio [Mr. HOKE] and myself have requested a General Accounting Office audit to find out how this horrible waste can be accounted for. The material girl has spent millions of dollars in travel, but it does not stop there. Secretary O'Leary hired one of her personal friends, after laying off thousands of people, she hired her for a job title she created called the Department of Conflict Resolution Ombudsman at $93,166 per year plus $12,000 a year living expenses.

We did not know about that part of the material girl when 80 of us called for her resignation. We thought that was bad enough, because at that point she had just hired a private investigative firm to develop an unfavorables list, for $56,500. A list of Congressmen and reporters that she could work on a little. That should have been enough, but even after the travel there is more.

We have found out that the material girl has redirected $500,000 from the Department of Interior to the Government of India so that they can clean up the Taj Mahal before she arrived. A half a million dollars to clean up the Taj Mahal.

Well, this is just the tip of the iceberg. This reflects the mismanagement that is going on within the Department of Energy. It is time to turn the lights out at the Department of Energy. It is time for Secretary O'Leary to resign.

□ 2100

RACISM IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, it is seldom that I take the floor to do special orders, but today I feel compelled to do so because of the rapidly escalating mean-spirited activities that I have read and heard about that are occurring in our country.

On Saturday morning when I went to my front door to pick up my newspaper I was appalled to see in bold letters the following headline "3 White Soldiers Held in Slaying of Black Couple." According to the news report, Michael James and Jackie Burden were just walking down the street at 12:30 Thursday morning in a black neighborhood in Fayettevelle, NC, when three white paratroopers who were "cruising the streets of Fayetteville searching for blacks to harass" shot them in the head.

The article went on to say that one of the soldiers "made no secret of his white supremacist views . . . and during his off-duty hours . . . associated with four or five other soldiers who all wear black boots with white laces and red suspenders, a style that represented an unofficial skinhead uniform."

A few months ago I was greatly disturbed when it was reported that agents of the Bureau of Alcohol, Tobacco and Firearms displayed racist signs at their summer outing. Earlier, the fact came to light that some employees of the Dennys restaurant chain had refused to serve a busload of black church people and had given clearly discriminatory service to members of the U.S. Secret Service who just happened to be black.

Last week I picked up the Roll Call newspaper and was alarmed to find on the front page an article entitled "Police Probe Anti-Semitic Incident by House Pages" which stated that "The Capitol Police department is conducting a criminal investigation into an act of anti-Semitic vandalism at the House page dorm". It appears that some of the pages got into a dispute and one found a swastika on his door the next day. While it is not unusual for teenagers to sometimes find themselves in disputes with their peers, but it is alarming to see young teenagers resorting to such hateful means of expressing their disagreements.

I have recounted these stories which are a minute illustration of the myriad incidents that are occurring throughout the Nation because I am concerned about America. Nowadays I don't hear the real Americans speaking out against the racism which has been resurrected and is rearing its ugly head with a roar.

I am concerned because when many of those in this body speak of cutting destitute families off welfare, it is not really about the green buck, but about the black face.

I am concerned because when we discuss the issue of school prayer, it may not really be about prayer itself, but about to whom we pray.

I am equally troubled because some misguided black folk are engaging in reactionary hatred. Racism is un-American from whatever source.

As a Nation, we hold ourselves out to be tolerant of others and their beliefs. We pride ourselves on being the melting pot of the world, we declare that all men are created equal and that we each have the unalienable right of life, liberty and the pursuit of happiness; and yet America is allowing these atrocities to continue—and I don't hear the leadership in this Congress or in this country speaking out against them.

We are currently deploying young men and young women in the prime of their lives to Bosnia in an effort to bring peace to that part of the world, while at the same time, some racially-crazed military personnel right here in America are modern-day lynching black folk.

We sing that we are the land of the free and the home of the brave, but black America is not free and those who set out to purposefully do us harm are not brave.

THE 125TH ANNIVERSARY OF SWEARING IN OF FIRST BLACK MEMBER OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. WATTS] is recognized for 5 minutes.

Mr. WATTS of Oklahoma. Mr. Speaker, I see my colleague, the gentleman from Maryland [Mr. MFUME], who is still here in the Chamber, and I extend to my colleague from Maryland, who is my colleague and my friend, I extend to him my sincerest best wishes as he takes on a new challenge in his life in leading the NAACP into the 21st century. Over the last 11 months, I have seen my friend be the consummate professional, and I extend to him my very best wishes in his new endeavor and challenge.

Mr. Speaker, I want to pay tribute tonight to an important anniversary. 125 years ago this very night, the first African-American Congressman was sworn into the U.S. House of Representatives. He was a Republican—a member of the party of Lincoln. He was the Honorable Joseph Hayne Rainey and it was the start of a legacy that continued. Senator Hiram Rhodes Revels of Mississippi was the first black Senator and then Congressman Jefferson Long of Georgia, Robert DeLarge of South Carolina, and Robert Elliot of South Carolina and the list goes on with 20 more Members of Congress serving with Mr. George White of North Carolina serving in the 55th and 56th Congress.

Following the seating of Congressman White in 1897, 15 sessions of Congress passed until another African-American was elected to Congress. In 1928, Oscar De Priest of Illinois became

the first African-American elected to Congress from outside the South.

What an odd turn around has occurred and what an important time for us to stop and take stock. Folks, I look forward to the day when all of us will be judged by the content of our character rather than the color of our skin. These people we honor tonight has gone before us as trailblazers—as members of the only party that was founded on an idea—the idea of freedom.

The party of Lincoln believed in equality of opportunity, empowering people, not government, cultural renewal because these are principles which transcend race, creed, color. Lincoln so fervently believed in a government of the people, by the people and for the people that his emancipation proclamation enabled all of us—those who have gone before me and the current African-American Members of this Congress to serve. Freedom also make it possible for every person in this U.S. to have the opportunity to serve regardless of race, creed, or color. Black Americans and white Americans must be full partners in developing policy of this great Nation.

Those were brave souls who first ran after being enslaved. Those were brave souls who against all odds decided they would put their name in the hat for public service. Those were brave souls who went before us in Congress and we must honor them by doing the right thing, now.

Mr. Speaker, we must honor these hallowed Halls and the sacred trust of those who sent us here by telling the truth, by honoring the constitution and by making sure that the ultimate source of power is always with the people of this great Nation.

We must honor those who sent us here by honoring God and seeking his guidance on important issues as those who went before us. We must honor the trust of these Halls by being kind and extending a hand to all people to serve with us.

Mr. Speaker, on this 125th anniversary of the first African-American, Mr. Joseph Rainey from South Carolina to serve in Congress, I thank God for this Nation that allows J.C. Watts, Jr.—the fifth child of J.C., Sr. and Helen Watts to also stand and serve in this Congress. I owe a great debt to those who have gone before me and I hope that we can leave an even better legacy for our children—red, yellow, black, and white.

SEND THE RIGHT MESSAGE: SHOW SUPPORT FOR AMERICAN TROOPS SENT TO BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening in anticipation of this body voting on a resolution in regard to the situation in Bosnia sometime before the end of this week.

Mr. Speaker, like many of my colleagues in this body, I have expressed grave reservations over the last several months about the possibility of placing our ground troops in the Bosnian theater. I have recorded my vote on at least two occasions in opposition to sending ground troops in, despite having supported the President's use of U.S. forces for air strikes, for the sealift and airlift, and for the command and control and other support necessary for NATO's involvement in that part of the world.

While I have opposed the use of ground forces in Bosnia, and while this body has gone on record on at least two occasions in stating its opposition to the use of ground forces, at one time by a vote that gathered in excess of 300 Members of this body in a bipartisan manner, all of us know that in fact the President has made his own decision to deploy troops and, in fact, that deployment is taking place as we speak here this evening.

Therefore, it would be my hope that the resolution that we consider this week does not, in fact, send in any way a signal to our troops that we do not support them.

Mr. Speaker, I come tonight before our colleagues and I ask them to consider cosponsoring this evening, or tomorrow morning, sometime tomorrow, House Concurrent Resolution 118. This bipartisan legislation was introduced by myself and my good friend, the gentleman from Pennsylvania, PAUL MCHALE, who is also a member of the Committee on National Security.

Mr. Speaker, House Concurrent Resolution 118 is a sense of the Congress resolution that has had its language mirrored in two other pieces of legislation; one that has since been introduced in the House, and a second that has been introduced in the Senate by Senator DOLE, that basically puts this body on record saying that while we have voted against sending ground troops into Bosnia, that in fact the President as Commander in Chief of the military has the authority to do that and has done such.

Therefore, while he has taken actions that we have, in fact, expressed our concern with and oppose, it is time now to support the troops as they follow out the requirements laid out by their Commander in Chief, the President of this country.

So, Mr. Speaker, our resolution states we in fact support the troops, even though we have opposed the policy. But it goes on to state something even more important, Mr. Speaker, something that I think every Member of this body wants to express their support for. That is, now that we have committed troops to Bosnia, and now that this President as Commander in Chief has spoken, we want to make sure that there is no second guessing of the military requirement to support those troops; that in fact when General Joulwan, who is the theater commander for the entire operation in the Bosnian theater, asks for support, troops, or equipment, that there is not a second guessing of that request; that that request is dealt with immediately and is dealt with in a forthright manner.

The reason why it is important for this body to emphasize that support being immediate, Mr. Speaker, is because of what occurred in Somalia, where a similar request came in by the commander in charge of the Somalian theater in August, 1 month before an air fight occurred between American forces and one of the Somali warlords, which caused 18 young Americans to be killed.

There are some who have said that if we had given that commanding officer the support he asked for, perhaps we could have saved those 18 lives. So, while we may disagree with the President's policy, but he has the right to do what he has done, and while we want to support our troops, let us also go on record, Mr. Speaker, in a very emphatic way, and say that we want to make sure that the administration knows, that the Pentagon knows, that when the commanding officer in Bosnia asks for additional backup, that he gets immediate consideration. That is perhaps the most important statement that we can make this week.

Mr. Speaker, I hope our colleagues will cosponsor House Concurrent Resolution 118 and will also vote for it if given the opportunity to consider its passage when it comes to the House floor. House Concurrent Resolution 118 enjoys broad bipartisan support. The gentleman from Pennsylvania, JACK MURTHA, one of our leading members of the minority party on defense, is supportive, as is the gentleman from California, DUKE CUNNINGHAM, as are members of our Committee on National Security, the gentleman from Rhode Island, PATRICK KENNEDY, and the gentleman from Hawaii, NEIL ABERCROMBIE, as well as some of our younger Members, the gentleman from Montgomery County, PA, JON FOX, and others who are joining with us in making this statement.

Mr. Speaker, I would encourage our colleagues to join with us tonight and tomorrow in supporting House Concurrent Resolution 118, to send the right message from this body as to where we stand in terms of full support for a decision that many of us oppose, but now must show that the troops will not be shortchanged when it comes to protecting their lives and their well-being.

□ 2115

FORT BRAGG ATTACKS

The SPEAKER pro tempore (Mr. JONES). Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, today I wrote a letter to Attorney General Janet Reno, and I would like to share its contents with my colleagues. I wrote:

I am certain you have heard about the slaying of an African-American couple by three Caucasian soldiers from Fort Bragg in Fayetteville, North Carolina.

These senseless slayings were apparently random, inasmuch as the slain couple was merely walking along a Fayetteville street and the three accused soldiers did not know them. The incident, however, raises new questions about the presence of radical and extreme groups within the United States military.

I must, therefore, urge that a thorough Justice and Defense Department investigation be undertaken.

At least one of the three soldiers held white supremacist views and was known to display a Nazi flag over his barracks bed and to keep a 9mm handgun in his locker. I understand that a bomb-making manual was also found in his room. More disturbingly, all of the suspects appear to be members of a right-wing group called the "Special Forces Underground," which publishes a magazine called the "Resister."

Members of this group have been seen wearing black boots with white laces, red suspenders flight jackets and chains, an unofficial uniform.

I also understand from news sources that the accused soldiers engaged the unsuspecting couple, harassed them and when the couple responded, they were both shot in the head, assassination style.

The brutal and random nature of the slayings has sent a chill throughout Fayetteville and has left many residents puzzled, bewildered and greatly concerned.

Beyond concern, however, are the many questions that are left in the wake of this terrible incident, questions that can only be answered through an official inquiry. We must learn how widespread is the membership of this group.

Is the group confined to Fort Bragg or is it organized in other locations in the Army or other branches of the military? Were superiors at Fort Bragg aware of the activity of this group?

Did these superiors have any advance warning of this group's violent tendencies and could their response have been more swift and effective enough to avoid these killings? If they did not have advance warning or knowledge, why didn't they?

And, are there legitimate policies and practices missing that could discourage these groups? Has the Army worked with local law enforcement and local government to gather intelligence on such groups?

Again, I urge you to take whatever steps are necessary to insure that a Justice and Defense Department investigation is undertaken and that members of Congress are informed of the results of that investigation.

I look forward to hearing from you soon.

Mr. Speaker, I would like to insert the letter into the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 12, 1995.

Hon. JANET RENO,
Attorney General of the United States,
U.S. Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: I am certain you have heard about the slaying of an African-American couple by three Caucasian soldiers from Fort Bragg in Fayetteville, North Carolina. These senseless slayings were apparently random, inasmuch as the slain coupe was merely walking along a Fayetteville street and the three accused soldiers did not know them. The incident, however, raises new questions about the presence of radical and extreme groups within the United States military. I must, therefore, urge that a thorough Justice and Defense Department investigation be undertaken.

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Beyond concern, however, are the many questions that are left in the wake of this terrible incident, questions that can only be answered through an official inquiry. We must learn how widespread is the membership of this group. Is the group confined to Fort Bragg or is it organized in other locations in the Army or other branches of the military? Were superiors at Fort Bragg aware of the activity of this group? Did these superiors have any advance warning of this group's violent tendencies and could their response have been more swift and effective enough to avoid these killings? If they did not have advance warning or knowledge, why didn't they? And, are there legitimate policies and practices missing that could discourage these groups? Has the Army worked with local law enforcement and local government to gather intelligence on such groups?

Again, I urge you to take whatever steps are necessary to insure that a Justice and Defense Department investigation is undertaken and that members of Congress are informed of the results of that investigation. I look forward to hearing from you soon.

Thank you for your consideration and cooperation.

Sincerely,

EVA M. CLAYTON,
Member of Congress.

SALUTES TO KWEISI MFUME AND SHIMON PERES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I want to join my colleagues in making a salute to Congressman KWEISI MFUME, a man of great compassion, a great colleague, a champion for civil rights, a man of passion, integrity and resolve who is accepting the new position of head of the NAACP here in the United States. As its new leader, he will take the NAACP to new heights of accomplishment because of his strength of character, his compassion for others, and his dedication to principle. We all wish him well in his new position.

I would also like to make a salute to Shimon Peres who gave a very stirring speech today before a joint session of Congress. I had the opportunity to meet with now the prime minister, then the foreign minister of Israel this summer in a special congressional delegation visit, only to see his leadership, his vision, his perseverance, his love of Israel and his love of America.

As Prime Minister Shimon Peres said today, he was speaking of his fallen comrade Yitzhak Rabin, he said they "were always firm believers in the greatness of America, in the ethnic generosity inherent in our history and our people. For us, the United States of America is a commitment to values before an expression of might."

He continued by stating that Israel is a small land, 47 years old, but 4000 years deep in history. Before coming here to the United States, Prime Minister Peres visited King Hussein. They discussed the possibilities of transforming the Jordan River Valley which is, in fact, an elongated, extended desert into a Tennessee Valley. He then met with President Mubarak of Egypt in a highly congenial atmosphere. They agreed to put aside bitter memories and to postpone certain disputed issues for a future date.

He finally met with Chairman Arafat of the PLO and his expression of condolence had the ring of a sincere desire for peace.

What is next for Israel? Peace with Syria and Lebanon, the two remaining adversaries on Israel's borders. Peace with these two countries may well prove to be the greatest contribution to the construction of a new Middle East peace.

In Shimon Peres' own words, he said the following:

Nothing would capture the imagination of young people everywhere than a gathering of, say, 20 Middle East leaders, all of us standing together with you, our American friends and others and declaring the end of the war, the end of the conflict, thereby carrying the message to our forefathers and to our grandchildren that we are again, all of us, the sons and daughters of Abraham, living in a tent of peace. We shall tell them together, as partners, we are going to build a new Middle East, a modern economy, that we are going to raise the standard of living, not the standard of violence, that we are going to introduce light and hope to our peoples and their destinies.

Remember the peace rally at Tel Aviv just weeks ago, where we had

Yitzhak Rabin die. The singer, not the song was killed. Though Prime Minister Yitzhak Rabin has died, the dream lives on. For those who believe in a lasting peace for the Middle East and peace across this world, the people of Israel, the people of the United States and the people who believe in Shimon Peres, that he, in fact, is the one who can carry forward in Israel and to work with world leaders like our President and this Congress, we say God bless him on this mission.

THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. ANDREWS] is recognized for 5 minutes.

Mr. ANDREWS. Mr. Speaker, I would like to begin tonight by adding my voice to those who praised the colleague who spoke here a few minutes ago, Mr. MFUME. This institution will be impoverished by his departure, but I am certain that his country will be enriched by his continuing service at the NAACP, a different kind of service, the same ideals he has served us. Please let my voice be added to the record to those who say we will miss him.

Mr. Speaker, as the country watches our continuing debate about the balanced budget, I wanted to say a few words tonight about why a balanced budget is so important beyond Washington bookkeeping or Federal financial statistics. We spent most of our time the last couple of weeks talking about how best to balance the budget. I would firmly stand with those who believe that we can do so without forcing a part B premium on our senior citizens Medicare or by taking reading teachers out of our public school and private school classrooms or without undercutting our ability to protect and enforce our environmental laws. Tonight I would like to talk about why it is so important to balance the budget in terms of the workaday life and family budgets of people all across our country.

I represent an awful lot of people who are struggling an awful lot in 1995, people who are unemployed, people who are barely employed, who are struggling at or just above the minimum wage to try to pay their bills with very little help from the government that assembles here. People who are woefully underemployed, who are making 70 or 80 percent of what their family budgets require. People who are employed but who feel that their employment is hanging by a very thin thread, that they may be the next victim of a corporate downsizing or a massive layoff. People who are retired, who thought that they were going to be able to get by on whatever they had in the bank when they retired, plus their Social Security and, if they had a pension, plus their pension, who have found that those assumptions really do not work for them anymore and they are still in real trouble.

There are people who have never been employed who went to college, went to school, got their job training, got their education and cannot find that first job that puts them on the path to a successful career. How does a balanced budget affect each one of these people?

I would suggest that it affects us, Mr. Speaker, in four ways: First, every dollar that the Federal Government borrows to run its operation from the savings pool of this country is $1 less that an employer, an entrepreneur, a business person has to start a new product, expand his or her business, and hire more people. Every dollar Uncle Sam borrows to meet the payroll is a dollar that cannot go to generating new payroll in companies and employers across this country. It is that simple.

Second, every time we pile up another dollar of debt, we have to spend more money to service that debt, just like if, Mr. Speaker, we raised the amount we owe on our credit cards in our family budget, the amount we have to pay toward that credit card each month continues to rise and rise and rise. This year it is in excess of $200 billion, almost $300 billion by some accountings, just interest on the national debt. What else could we buy with that money if we did not have this huge debt?

We could fully fund Head Start so that every child in this country who is eligible would be in a proper child care program. We would not have to worry about cutting back on Pell grants or student loans because there would be ample money for that. We could give a significant income tax reduction to everyone across the country with that money or perhaps, most importantly, we could start paying down the national debt that has been accumulated over here for such a long time.

Every time we send a dollar to pay, or a bond for this borrowed money, it is a dollar we are not spending on education or the environment or our military or health care or veterans programs or something for children. It is a mistake.

Third, the Federal deficit as it grows, continues to rise and put pressure up on interest rates. That means that every time someone buys a car or takes out a mortgage or makes a purchase on their credit card, it costs them more than it otherwise would. As the supply of money stays the same but the demand for money goes up because of Government borrowing, the price goes up. It is the law of supply and demand. Not even the House of Representatives can repeal that law. It forces interest rates up and forces the costs for family budgets up. We would all be better off if it did not happen.

Finally and perhaps most importantly, we have developed a psychology of borrowing. In my opinion, it is an irresponsible and immoral psychology of borrowing that says that we can give out benefits today. We can spend money today and pass the cost along to future generations in the form of a lower standard of living, higher taxes, jeopardized Social Security benefits and a lower level of Government services.

That is not fair. It is disingenuous and it is wrong.

In the days and weeks ahead, let us work together. Let us find the common ground, and let us finally balance the Federal budget.

ON EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. CUNNINGHAM] is recognized for 60 minutes as the designee of the majority leader.

Mr. CUNNINGHAM. Mr. Speaker, I would like to go through this special order tonight on education. I would like to cover some of the myths, some of the truths, some of the other, basically the good, bad, and the ugly of the program.

First of all, I covered a little bit of it the other night when we split up, with the gentleman from California [Mr. DORNAN], talking about Bosnia, but I would like to reexamine some of the figures. First of all, the Federal Government provides only 7 percent of the funding for education. Let me repeat that. The Federal Government provides only 7 percent of the education. The other 93 percent is paid for by State revenues.

Now, of that 7 percent that goes down, less than 25 cents on every dollar that we send back here to Washington, less than 25 cents on a dollar goes back and down to the classroom. Why? Because of the bureaucracy that eats up the dollars in between. So it is a very inefficient system.

When people talk about Head Start and Goals 2000 and some of the better programs, it would be much better to get a better return on the dollar at the State level and provide those systems without the Federal intrusion.

□ 2130

Now, also that 7 percent that the Federal Government sends down to the States, that 7 percent takes over 50 percent of the rules and regulations to the States and the schools. Only 7 percent requires over 50 percent of all the State rules and regulations. It requires 75 percent of all the paperwork that a State has to do.

While that is being accomplished, that also affects the 93 cents on a dollar, or 93 percent, that the States fund education itself. If we look at just the State of California, which I am from, and let me go through and you can go

through State by State and find out that there are many similarities, but let us look at the State of California. Why is education being shut down right now and programs are being cut? Why can we not get school bonds passed? Why can we not put a tax increase on the State recipients to support our education systems? Why do we have teacher and school programs that are being canceled under the current system as it exists today?

If we ask ourselves those questions and we look at the problems we are having in every State on our education programs, then I would think Members on both sides of the aisle would say there is a lot of room for improvement.

Let me take a look at some of these factors that affect the State of California. Remember, again, 93 cents on a dollar, 93 percent of all education is paid for with a State tax dollar. So that means you have to have people working in the States that are paying taxes.

Let us take a look at the 1993 tax bill under President Clinton. President Clinton cut defense $177 billion. The State of California is one of the largest defense States in the Union. A $177 billion cut as between our military and secondary and defense-related jobs has lost over a million jobs.

Now, let us say that a portion of that million jobs that were lost in the defense industry and our military, they get another job. Well, studies have shown that they do not get the same high scientific-level job but it is something less, so there is even less revenue. But let us take half of that, or even a quarter of that, that those people do not have jobs in the State of California. Now, that means less revenue, 93 percent less revenue that goes into the coffers in Sacramento, CA, for education and for law enforcement and the other infrastructures.

Let us take a look at another factor in the State of California, and primarily on the border States. Mr. Speaker, there are over 800,000 illegal aliens in kindergarten through the 12th grade. I only use the term 400,000. That way it cannot be disputed. But there are nearly a million illegals in kindergarten through 12th grade in the State of California.

Let us take a look at just the school lunch program. Of that 400,000, the majority of them are under 185 percent below the poverty level. At $1.90 a meal, that means if you take that times 400,000, that is over $1.2 million per day just going to illegals in the school lunch program. And then? we talk about that we do not have enough dollars for education. It takes about $5,000, I think the average is around $7,000 nationwide, but it takes about $5,000 a year to educate a child in the State of California. If we take that and multiply it times 400,000, that is over $200 billion out of the coffers that we could be using for education, Mr. Speaker, in the State of California.

We have documented 18,000 illegal felons; these are just the ones that are caught, in California prisons alone. There are actually about 24,000 aliens, but only about 18,000, between 16,000 and 18,000 of those are illegal aliens in the State of California prison system at an average of $25,000 a year to House them. We are spending billions of dollars in a program that could go for education. When they talk about there are more prisons then there are dollars for education. That is the one area that we could really work on is to stop the illegal immigration into the United States and protect our borders.

Over half of the children born in San Diego and Los Angeles hospitals are to illegal aliens. Then that child then becomes an American citizen and qualifies for all of the Federal programs. That, again, is draining the resources out of Sacramento, the dollars that we need for education.

Let me just, Mr. Speaker, let me go through one single, just one single Federal program that was written with good intent, and in many cases has done a lot of good but has gone to the extremes. I would talk about the Endangered Species Act.

You say, "DUKE, how does the Endangered Species Act affect education?" Let me tell you, Mr. Speaker. How many jobs have we lost in the timber industry and the billions of dollars of revenue in the State of California that would go into the Sacramento coffers for education? Billions of dollars.

Look at the gnat catcher and the construction industry in the State of California. It has cost us billions of dollars of revenue that is not going into our coffers for education. I look at the water and the salmon and Central Valley water project that was passed when we were not in the majority. Look how that has affected the farmers in the State of California. California's No. 1 commodity is agriculture. A lot of people do not understand that.

Take a look how it has affected the farmers, avocados and exports and different areas, again revenue. How many jobs, Mr. Speaker, have we lost to the tuna industry because of the porpoise? When we have valuable resources and we have systems in which even in the Panama agreement that have been represented by five of the environmental groups, except for Earth Island, that receives a lot of its money, over a million dollars, just for the Tuna Save, but yet they are one of the organizations that does not support logical reform in the tuna industry.

I look at the kangaroo rat, the least tern vireo, the California desert plan that took millions of acres off of the tax roles that do not go into education, hundreds of thousands of jobs and billions of dollars of revenue that is not going into the coeffers in Sacramento, Mr. Speaker, and then we are having to close down education programs because we do not have the funding.

You will find that library services and media and central and study halls and those areas are being closed down, not just in the State of California but across this land, because of the lack of jobs and because of the lack of money that is going into those coffers from the State level because of Federal systems.

Alan Greenspan, and my colleague just a minute ago spoke eloquently about the need to balance the budget, another reason we do not have dollars for education, Mr. Speaker, Alan Greenspan testified last week before the committee that interest rates have gone down 2 percent primarily because the markets and the lending industries believe that the Republicans can balance the budget in 7 years. He also warned that if that belief goes away, that interest rates will not only rise beyond the 2 percent but will keep spiraling upward.

What does that mean, Mr. Speaker? For example, a college loan, let us talk about an individual family in California or your State or anybody's State, a college loan with 2 percent interest rates over 4 years at $11,000 means $4,500 back in either the student's pocket or the parent that loaned the money in the first place, $4,500.

People are wondering why, why are two people having to work and they cannot make ends meet. I mean, it is crazy. In the State of California, and I am sure across the States, where people are having to work, they are slaving, they are working 10 to 12 hours a day and they are just barely making it on a margin in small business. But if you look at the interest rates, for example, in a home mortgage, why are they paying these excess costs? Why can they not make it? A home mortgage, 2-percent reduction, $90,000 mortgage, which is not real high in the city of San Diego, it is in the inner cities, but a $90,000 mortgage, 8.5 percent fixed over 30 years means $37,500 back in the pocket of that individual, and you can attribute that to the balanced budget, or lack of a balanced budget, because of those interest rates.

Alan Greenspan also said that those interest rates will continue to go down if we balanced the budget by 2 to 4 percent, and think of the dollars that that will put back into the pockets of the American people. They will buy products. The cost of goods will go down. And that will mean there will be more dollars in the coeffers of Sacramento for education.

An auto loan, $15,000, will be a thousand dollars back in the pocket of an individual. I am sure, Mr. Speaker, you would like to have another thousand dollars in your pocket to spend at Christmastime, or whatever, and, by the way, then you are going to buy a

hamburger, you are going to go to a movie, and that is going to support the other businesses. That revenue is going to be generated, and it is going to go into, again, 93 percent of the revenue for education, which comes out of the State, and we need to provide that.

But that is another reason why the balanced budget is important to education.

I would like to provide for the RECORD, Mr. Speaker, an article where it says the Endangered Species Act, in the State of California, has added $44,000 per home in the State of California. Let me repeat that: The endangered species has added 7.5 percent to every home, and we are talking about low-income homes for the poor and the impoverished, and we increase it. We just talked about how important 2 percent is. If it is increased 7.5 percent, $44,000 per home. Why? It is because in endangered species, you have got set aside land, and you build on others' lands. Who is going to pay for that? The consumer is going to pay for that, Mr. Speaker, and in doing that, that means less revenue again for education that goes into the coffers, and so on.

I would like to provide that for the RECORD. It is called "Habitat Protection Raises Building Costs." It is "In the Opinion," North County, San Diego. I will give you that in just a little bit. It is very important why we do not have the dollars in education.

Let me tell you about this institution, Mr. Speaker. For the past 40 years, it has been about power. It has been about the power to be reelected so that you can maintain a majority. That power has emanated from the ability of the Federal Government to disburse money down to many groups. I am sure, like myself, every day we have people coming into the offices for dollars. Everything is important. They can find a reason to support their particular Federal program.

But that is why we have ended up, and in all the debate about why the deficit and the debt are important, it comes down to what is important for us in education. But if you take a look at what we are trying to do is take the power out of Washington, DC, because the power to be reelected equates to the power to disburse money out of the Federal Government, which acquires power at a Federal level, and a bigger bureaucracy to disburse those dollars. Those dollars that go down to disburse are as little as 23 cents on every dollar. There is only 30 cents on a dollar in your welfare programs because of the bureaucracies.

Some of my colleagues will tell you, well, look, you are cutting education, you are cutting education, you are cutting the money for the environment, you are cutting the money for Medicare. We zeroed out, Mr. Speaker, the dollars for Goals 2000 on a Federal level. Absolutely, you could say on a Federal level it is accurate to say we cut Goals 2000, zeroed it out. But as Paul Harvey says, the rest of the story is we take the dollars and we send it directly to the State, take those dollars directly to the State, and the State can run a Goals 2000.

The proponents of Goals 2000 will tell you, well, it is a voluntary system. It is the old bait-and-switch, Mr. Speaker. It is voluntary if you do not want the money in the Goals 2000, and I would challenge you to read it. There are 45 instances that says "States will," "States will," mandates from the Federal Government. It set up five, actually six bureaucracies and institutions, new bureaucracies and institutions that the States have to adhere to. You have to file boards. You have to send the reports to the Federal Government, and guess what, Mr. Speaker, while you have got this manpower at the State that is having to do all of these things which takes dollars away from the classroom, you have got a catcher's mitt of bureaucracies on the other end receiving all of those reports and analyzing. Do the States meet those requirements? Do we allow them to run with the dollars just like it is?

The answer is, again, it is a waste of taxpayer dollars. Let us do away with that:

□ 2145

Remember, 7 percent requires over 50 percent of the rules and regulations. Let us send it to the States. Let us let the States run their own Goals 2000, and prosper better. But yet my colleagues on the other side of the aisle will say "You are cutting Goals 2000, a good program." If it is so good, let them run it, but let them run it at the State level, without the Federal bureaucracy and the Federal intrusion.

As I mentioned, there are 45 must-do clauses, while it only has three that said you should do in Goals 2000. Six new bureaucracies and research institutions under Federal control. It is also established and run by the union bosses and the Federal administration.

In 1979, the Department of Education doubled. It went from $14.2 billion to $32.9 billion. If the President's direct loan program were allowed to be affected, it would be the largest lending institution in the United States. That is Federal intrusion, that is Federal control, and it is Federal waste, Mr. Speaker.

Per pupil spending grew 35 percent between 1979 and 1992. Federal programs and taxes have increased threefold. SAT scores have declined 12 percent, and yet we have less than 12 percent of our classrooms that have a single phone jack. We look at the bureaucracy that eats up the dollars, and we look at why we do not have dollars for education.

Let me give you another idea about Goals 2000. The humanities standard at the Federal level, after spending $900,000, $900,000, was suspended, Mr. Speaker. One of the required standards was that English be replaced, English be replaced, Mr. Speaker, with the words "privileged dialect." That type of social engineering and politically correct Federal intrusion is one of the reasons I believe that our school systems are doing poorly.

Look at the Federal history standards. They emphasize everything but the foundations of Western culture. I sat with the creators of those standards, with the gentleman from Michigan, DALE KILDEE, the ranking minority member on the education subcommittee that I serve on, and DALE KILDEE, an ex-history teacher before he came to this body, stood up and said, "It is wrong. You are not teaching history, you are emphasizing non-history issues." For example, there is more in the Federal standards for history on Madonna than there is the Magna Carta. There is more on McCarthyism than there is on the Constitution of the United States.

These are some of the reasons why many of the people do not support Goals 2000 on a Federal level, but where at a State level, where the State establishes the standards, they can establish the same aid standards under Goals 2000, but it does not have the rules and regulations, it does not have the Federal intrusion, and it sure costs a lot less to run.

Mr. Speaker, I have heard some of my colleagues say, "Well, we are cutting student loans." Well, Alice Rivlin of the Clinton administration proposed to eliminate college loan subsidies for a savings of $12.4 billion. Well, that is not done in this body. There is no subsidy taken out.

I heard my colleague just before say, "Well, maybe we will not have to cut Pell grants." Pell grant awards are the highest this year than they have ever been in history.

Mr. Speaker, let me repeat: Pell grants, Pell grants that I believe in, for low income students, is at the highest level it has ever been in its history.

Now, I would also let the Speaker know that it is not enough; that with the rising costs of tuition and with the rising costs of books and college courses, that it does not pay what it was originally intended for with Mr. Pell. But we put $6.5 billion into that program.

Perkins student loans increase by 50 percent, Mr. Speaker, over 7 years. Let me repeat that. They say we are cutting education in this balanced budget. But, again, I give you the Goals 2000. Zero it out at the Federal level, yes. I want to cut most of these things out of the Federal level and put it back to the States.

The same thing with the environment. There is a lot of sand and dirt between San Diego, CA, and Maine, Mr.

Speaker, and to blanket across the Nation with a rule and regulation from the Federal Government that has been obtrusive should not happen. It should be at the State level.

But, again, we are sending the money to the state on the environment. My colleagues will say we are cutting funds for the environment, we are cutting education, we are cutting Federal instruction. Let me repeat, student loans increase by 50 percent, from $25 billion to $50 billion over the next 7 years.

The Republicans will spend $340 billion over 7 years on education, job training and student loans. The last 7 years, the Democrat leadership, when they were in the majority, spent only $315 billion on education, job training, and student loans.

Spending on K through 12 education has increased by 4.1 percent, but yet we bring better management, less rules and regulations, less Federal paper, less Federal reporting, and more local, school and down at the LEA control with the teachers, the parents, and the educators.

From 1983 through 1993, the States put in education $60 billion and have increased that to $115. But yet if you take a look the increase in spending for education across the board, Mr. Speaker, on reading skills, I heard on the television today that a great number, better than 50 percent, of the children do not read up to grade level 4 in the State of Maryland.

California was last in literacy. I think there are different reasons for that. A lot of it is probably the immigration rates and other things. I want to tell you, my wife is a teacher and a principal, and there are a lot of great schools that we have across this Nation. There are some great teachers. But across the board, Mr. Speaker, our education systems are failing our children, and it is not efficient. We can do better. From both sides of the aisle we can do better, by taking the power out of Washington and putting it back at the State level.

Let us look at, for example, title I. I was back in my district this weekend, and one of the teachers said "DUKE, don't take money out of Title I, because it is important."

Well, let me tell you what the Clinton administration said. Title I is not achieving its goals. Comparisons to similar cohorts by grade and poverty levels show that the program's participation does not reduce test scores gapped for disadvantaged students. Indeed, Chapter 1 student scores in all poverty cohorts decline between third and fourth grades. They also go on to say that once a student goes on in education, that any gains made are lost.

Let us look at Head Start. This is again what the Clinton administration says, effective in some areas. I would say in all fairness, Mr. Speaker, I have visited some very good Head Start programs. In the State of California, my district, there is a great Head Start program. Even the administration agrees that there is mismanagement across this country in the field of Head Start. But yet we continue to pump money into it and do not demand that the standards and the values and the management is there for the Head Start program. We have got to change that.

Several studies indicate a short-term cognitive and effective social benefit for poor children. However, the same studies indicate as the child moves into the elementary school the effects decline. They decline to zero. If we are going to put the dollars into education, Mr. Speaker, that are effective, that are long lasting for our children, that teach reading, writing, arithmetic and so on, then I think we need to focus on getting what will get the best bang for the dollars.

Let us look at the student loan program, where we say we have increased student loans by 50 percent. But where did we get our savings from? The Clinton administration, President Clinton's direct student loan program cost $1 billion more than the private industry, like the banks and lending institutions. My colleagues on the other side will say "Well DUKE, that is just for the rich. You are just supporting the special interest groups and taking it away from the Federal Government."

Well, with the Federal Government and its mismanagement, and I think you can look across the board, that is in defense, that is in education, that is in welfare, NIH, anywhere, the mismanagement of dollars the taxpayers give us, and you can save it by privatizing that, then we will do that. So we limit the President's direct loan program to 10 percent and save billions of dollars. That is not including the savings CBO scored. They do not even know what it would take to receive those dollars back. That is just the administration fees on the direct loan program.

So, yes, there are programs that we have eliminated and cut. But, again, Mr. Speaker, those are on a Federal level in driving the dollars back down to the States.

Let me tell you about other savings that we made on the loan program. This country has a law on the books that has been overlooked. I want to separate illegal aliens from legal aliens. We have legal aliens in this country that are going to our colleges and universities. It is to our benefit to educate those aliens at a time, because they plan on becoming American citizens. Over a lifetime, for just completing a bachelor's degree, there is an increase of earnings in that household by over $300,000. Again, that means $300,000 in revenue that that person is going to earn and pay taxes on. Remember, State taxes pay for 93 percent of education, so it is to our benefit.

But, at the same time, almost anyone has been qualifying for those education loans. So what we did, let us say, which I am not, but let us say I was a low-income parent applying for a student loan at a low-income rate, low-interest rate. I would have to show what my earnings are to qualify.

Well, all we have done, Mr. Speaker, is ask the sponsor of that legal alien, because under the current law that sponsor has to sign a document that they will be responsible for the alien, that legal alien, while they reside in the United States and are working for citizenship for this country, their earnings are calculated to see if that student qualifies for a low-income loan, the same as an American citizen would have to do. We think that is fair, either as a citizen or as a legal alien, to qualify to see if you should qualify for a low-income loan.

Say, for example, Imelda Marcos' relatives came to the great State of California. We may to want to give those individuals a low-income loan, because they can pay for it themselves.

But there is an increased cost on lenders, guarantors, and agencies in the secondary markets in the Federal education loan program. We save over $1 billion, Mr. Speaker, I think that is important also.

□ 2100

Let me speak to something else, and I think we could probably get support from both sides of the aisle on this issue. As I mentioned before, we have less than 12 percent of our classrooms across this Nation that have a single phone jack in it. I think every Member in this body understands the importance of the information age in the 21st century. In the olden days, as my daughters like to report, it used to take 30 years for us to double our knowledge. It now takes 1 year, Mr. Speaker.

Look at the amount of children that are using computers now in many of the homes. Of course, many children are not. Take a look at the information they have available to them. Look at our libraries. Try to get an airline ticket without going down and using a computer. Or even in our classrooms or in our offices. Yet, less than 12 percent of these classrooms have even a single phone jack. If we want to take that 7 percent as a vision and really do something with education on a Federal level, Mr. Speaker, I think there can be a partnership between the Federal Government, between the States, and between private enterprise.

I want to give my colleagues an example. If we really want to help education, if we do not upgrade those classrooms with the technology for our children to learn, then the delta, the difference, between the rich and the

poor, as my colleagues on the other side of the aisle like to point to all the time, that delta will increase significantly because we do not provide the skills for our children to go on and apply to the job market.

I have industry and small businessmen across the board come to me and say, DUKE, as little as 25 percent of the people that come to us even qualify for basic entry level into the job market because they cannot read, they cannot write, they cannot do math, or they cannot speak English. We are failing our kids, Mr. Speaker.

Now, let us work at a Federal partnership, let us work with the telecommunications subcommittee with the gentleman from Texas, Mr. JACK FIELDS. Let us create, which they are doing, a market where there is profit sharing, to where the AT&Ts and the Baby Bells, and the IBMs and the Apples work and build up our classrooms. Let us let them make a dollar. Profit is not a dirty word, unless one is a socialist. Let us let them build up our classrooms, provide for our kids, because we cannot do it. We do not have the dollars on the Federal level to invest in our classroom.

Mr. Speaker, walk down here in Washington, DC and look at these schools. These kids are lucky to have books sometimes. Or look at a Federal housing project, where kids are carrying guns. They are not carrying books. If we do not build these classrooms and work with that private partnership, then I think we will be lost.

I talk to Alcoa and I talk to AT&T and the Baby Bells, and the people I am talking about. We have about a 3 percent disintegration of copper wire in our electronic system. We have about another 3 percent where we build new schools and new facilities. That would be a 6 percent investment in this Nation that we could work with the Federal, the State and private enterprise. Six percent a year. And it would not take us that many years to build up our classrooms.

Now, let the AT&Ts and the Baby Bells and the IBMs put the fiber optics in there, and the Alcoas. Let them make a profit from that, but, at the same time, they are investing in our school system. Let us give incentives to do that because again, if we do not do that, Mr. Speaker, our kids are going to be in the big delta between the rich and the poor because they will not hare the skills to go forward.

I want to give my colleagues a classic example. I have a school I have spoken about in the committee. It is Scripts Ranch. The city and private enterprise went in and put fiber optics into the school. Every classroom has a computer. We have boys and girls at the high school level, on the vocational side, that are swinging hammers. They are building modular units, and they sell those units, those classrooms. And if we were to inspect them, they are as good as any tradesman would do, because they are supervised by tradesmen, both union and private, by the way. And they are making sure the kids are safe when they swing their hammers. But they sell those units and they buy other high-technology equipment for that school.

On the other side, the kids that are college bound, not vocational bound, are the engineers, the computer designers and the architects. They are using the computers and they have redesigned the whole school. In the meantime, Mr. Speaker, in the summer, and were chastised for the summer jobs program. Probably not very many jobs were created by the summer jobs program, other than keeping kids busy, but let me tell my colleagues about the summer jobs program at Scripts where they have the computers and they have the kids working in vocational and college bound.

The city of San Diego hires these kids. The unions and private enterprise, under apprenticeship programs, they teach them a skill on the vocational side and they give them a better on-the-job training for their college preparation. And it works, Mr. Speaker. It is a good program. And it is an investment between the Federal, the State, and private enterprise.

This is similar to the model that I can see for this whole country, Mr. Speaker, in investing in our school systems. We can do that, if we can get away from the Federal socialized meddling with States' rights and let the States set their own educational standards, and let the States, if they want, have their own Goals 2000, and let the States do their own Head Start Program and keep the Federal rules and regulations, the inadequacies and the bureaucracy.

But, again, this place is about power. This whole balanced budget, and we will hear over and over and over again, from those that would put a socialist model on education, that this is the only place that can make those decisions. This government, at a Federal level, is the only one, because the States will not do it. We do not trust the States to do it because they want the power here in River City.

And that is what this whole debate is on the balanced budget. Because if the budget is balanced, Mr. Speaker, that power to disburse money and control dollars with rules and regulations down to the State level limits the minority party for reelection. And if we limit reelections, we limit the power. We limit the power to get reelected. It is a self-contained sewer system. That is what the budget debate is. They do not want to balance the budget because it limits their ability to flow dollars down to constituents.

I have told my colleagues about the plaque the President has on his wall during the election that said "It is the economy, stupid." It is not. It should be their pocketbook, stupid. Because when we touch somebody's pocketbook, liberal or conservative, they are up here fighting for those dollars, because the Federal Government is not going to provide it for them. And we should learn that lesson, Mr. Speaker.

Mr. Speaker, I think that my colleagues on the other side of the aisle would agree with this next statement; that part of the problem that we have with education is the current welfare system. I look, and I used to teach at Hinsdale High School in Hinsdale, IL. We have some of the finest schools in the, Chicago, IL, area, and, I think, in the world. We have Hinsdale and Evanston and Nutrier. But any time we look at the good schools, the good teachers, where they have good facilities, we need to look beyond that at the inner cities and some of the areas where the education programs, like Washington, DC, or any great city that we could come across.

There is an area of about 5 miles in Chicago of Federal housing. Those kids do not carry books, Mr. Speaker, they carry guns. It is loaded with pimps and prostitutes. Their pregnancy rates are terrible for unwed mothers. And what hope do those kids have? Do we think if we put computers in those schools that they would learn? Do we think across the country there is a low percentage of our teachers that even know how to turn on or even use those computers to teach those skills?

That is why I think the intereducation program, the Eisenhower grants, even through we get very little of the money back down, I would rather have the State provide it. But if we do not teach and give our teachers the funds, the wherewithal to upgrade their schools, like title 1 and Eisenhower grants, then how can we ask the teachers to perform and teach the kids, especially when they do not have computers in there in the first place. They have to learn those skills to be able to teach our kids.

If we look at the welfare system that we have, and I think it is one of the biggest reasons why education has failed, Mr. Speaker, where we have a system that discourages a parent coming together with a mother, a single mother, and a child or vice versa. If they do, we take that welfare check away from them. We discourage that couple getting together.

And I think my colleagues on the other side of the aisle would agree that every time I have been to a college event for graduation, or someone going to an academy or an education event, where there is success, the overwhelming majority of those successes involve where parents were involved with their kids. And if we do not have the parent involvement, the percentage, of those kids are going down. Yet the welfare

system deters people from coming together or even a mother working.

Take a single mother. She wants to go to work. She will have to pay for child care. She is probably going to have to buy a new set of clothes. She will have to probably get some kind of training, because she has not worked in a second or third generation in many cases. But in many cases it is not, it is someone that has lost their job, that is having a hard time and they need to go back and they need the support. But there is a discouragement to get off of the system, because, again, we say go to work. You will have to have all these other costs, but we will take your welfare check away from you.

Well, I think we need to provide that. I also do not think we have provided enough funds for the job training, which my colleagues harp on. Why? Because if we are going to solve the problems of the welfare problem and reform, and if we are asking these people to get off of welfare, then they are saying for what? If I do not have the skills, if I have never worked in my life, or I have limited skills and I cannot read and cannot write, which the statistics show across the country, and I cannot even qualify for an entry-level job, how am I going to go to work and support my family? That is the area where I think, if anything, we need to increase the amount of job training for people, to help them get off of welfare.

I think, also, that when we look at the folks on welfare and look across the board, the low-income child is more likely not to succeed than those that come from higher socioeconomic levels. My colleagues on the other side are exactly correct on that. But the question is, Mr. Speaker, the model. Do we have a socialistic model, where the Federal Government does all and costs us extra dollars to get the dollars down because of the bureaucracy and the power and the rules and the regulations; or do we let the States, where we take away all those other costs?

My colleagues will say we at the Federal Government are the only ones that can do that. Mr. Speaker, I think that is intolerable. I think if we want to clean up our education system, we need to give States more responsibility and more power to do what they need to do. Because like I said, there is a lot of sand between San Diego, California, and Maine.

There are a lot of great programs out there, Mr. Speaker, and the States can still run those programs. But when we are getting as little dollars down that we can, down to the State level, I think that there is a lot of room for error and a lot of room that we can improve.

I want to give my conservative colleagues a caution, however, that I am a conservative. But serving on the Committee on Economic and Educational Opportunities, I have been enlightened in some cases by my collegues on the other side of the aisle, and I see one of them grinning right now. If we try to do this too fast, and we can look at the State of California and the economic situation that I have just talked about. Try and pass a school bond in San Diego County. It is very difficult. Even on a State-wide election or an initiative. Most people check no if we want to increase their taxes or increase their burden. It is very difficult to support that. Try an increase in tax, a gas tax or anything, to pick up that load to the State. People are resistant, Mr. Speaker.

A lot of my conservative friends, and which I consider myself one of, want to chop it off now; want to do totally away with it. If we do that, in my opinion, in my humble opinion, Mr. Speaker, we will damage some of the very programs that we are helping. I say that in the face of only getting 23 cents out of a buck.

But until we have that transition, until we can balance the budget, and it all ties in together, welfare, balanced budget, and education and jobs and revenue. It all ties in. It is called microeconomics. But until we can reduce those interest rates, until we can improve the economy, until we can get more dollars into people's pockets by having a $500 tax rate per child, that goes back into the pockets of people, until they can see where they are not both having to kill themselves just to get by to pay their mortgage, which they are paying $40,000 more for, or they are paying $4,500 more interest on a loan because of the deficit, then I think we will have trouble shifting that power.

□ 2215

And I think over the next 7 years, we ought to look and do so very, very carefully. Are we going to make some mistakes, Mr. Speaker? Yes, we are. But I think the blessings of it are that we are going to return that power to the States. We are going to reduce the size of the Federal bureaucracy back here, which is so key to the Democrat Party and their maintenance of power. And that is why they will blast us night after night saying that we are hurting the environment, we are hurting kids, we are hurting seniors and so on. What we are hurting is their power to get reelected so that they can have the power in River City.

ANNIVERSARY OF FIRST AFRICAN-AMERICAN TO SERVE IN HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PAYNE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PAYNE of New Jersey. Mr. Speaker, it gives me a great deal of pleasure this evening to engage with my colleague from South Carolina and others who may come, a special order dealing with an anniversary tonight of the seating of the United States House of Representatives on December 12 in 1870, 125 years ago, Congressman Rainey, Joseph H. Rainey, was sworn in to the United States House of Representatives. Today being December 12, we celebrate 125 years of that important event.

Let me say that on that day, Representative Rainey broke the color line in the House of Representatives, being the first African-American to be seated. He became a duly elected Member of the 41st Congress. A former State senator from South Carolina, he was born of slave parents. His parents were very successful as a barber and his dad purchased his freedom for him at an early age.

As a young man Joseph Rainey spent all of his free time educating himself. He followed his father as a barber and he continued to increase his education. At an early age he moved to Philadelphia where me met a young lady named Susan, and they were married and he moved back to South Carolina in 1859. Then with the outbreak of the Civil War, Mr. Rainey, Joseph Rainey, was drafted. He had to at that time work in the military.

He worked in an area providing food and serving passengers on a Confederate blockade runner and he worked in the fortification of Charleston, but he did not feel comfortable being a part of the Confederacy as a freeman and what he was able to do with his wife was to escape on a blockade runner and went to Bermuda. In Bermuda he settled in St. Georges, which is a parish in Bermuda and he set up a barber business there and his wife went into dressmaking. Both of them were very, very successful in their business in Bermuda, but as a South Carolinian, Bermuda was fine, business was great, but he yearned to go back to his home State and his hometown.

He started to hear about the fact that after the Civil War there had become opportunities for African-Americans in politics and he became very attracted to the area of politics. He decided to look into some of the opportunities and he became an active member of the South Carolina State Republican Party. He became a member of the State senate there, and in July 1870, they nominated him to fill a vacancy in the House of Representatives created by the resignation of Representative Benjamin Whittemore.

Once in Congress, and there was some time that passed before he was seated, but once in Congress, Representative Rainey was a staunch fighter for the rights of African-Americans. His first speech on the floor of the House was to gain national attention and to support a bill that imposed stiffer penalties

against individuals and groups terrorizing African-Americans and white Republicans in former slave States. The speech was delivered on April 1, 1871, in the 42d Congress. The bill that he introduced was designed to enforce the citizenship rights set forth in the 14th Amendment of the Constitution and in the 1866 Civil Rights Act.

The bill, called the KKK Act, made it a Federal crime for two or more persons to conspire through force, intimidation, or threat to keep any person from accepting or discharging a public office, from functioning in court without hindrance, or from voting or otherwise participating in political campaigns under the penalty of a $500 to $5,000 fine and 6 months to 6 years in jail.

The KKK Act was enacted into law on April 20 in 1871, but the law did not immediately stop the bloodbath in the Southern States. Representative Rainey continued his work on the KKK Act by speaking in favor of the appropriations of Federal funds for the Federal courts that were set up under this act to enforce the law.

Representative Rainey was in favor of appropriating funds as necessary to carry on the court's persecution, until every man in the Southern States shall know that the government has a strong arm and that everyone shall be made to obey the law.

In the 43d Congress Representative Rainey concentrated on the civil rights measure to afford equal treatment to all in public accommodations, public transportation, hotels, amusement places, and schools. Representative Rainey's theory was that Federal aid for education was not a regional or racial issue but an issue of national importance.

The debate 125 years ago is similar to the debate that is going on in the House of Representatives today. This proposal that he discussed way back then was heavily discussed near the end of 1873. The saddest fact about this discussion that he talked about of public accommodations is that it was not until 1963, almost 100 years later, that this public accommodations act was finally passed.

Mr. Speaker, in May 1874, when Representative Rainey was a member of the Indian Affairs Committee, he presided over the debate in the House on a proposal to improve conditions on the Indian reservations. Another first in the life of Representative Rainey was that he was the first African-American to ever preside over the House of Representatives. Representative Rainey was defeated in his reelection bid to the 46th Congress after a bitter fight in the House of Representatives with his Democratic opponent from the previous election.

Representative Rainey and his family remained in Washington for a few years before moving back to South Carolina, where he died at the early age of 55. In the obituary the Charleston News and Courier, not a friend to Representative Rainey when he served in active public life, termed him, next to Robert Elliot, the most intelligent of South Carolina Reconstruction delegation politicians, and they thought that if he had been less honest, they say he probably would have attained even greater distinction. so I think that says a lot about a man who stuck to his convictions and in his death was finally given the credit that he should have gotten in life.

Mr. Speaker, it is my great pleasure to bring to the attention of my colleagues and the American people some of the great work of the first African-American to serve in the House of Representatives, the Honorable Joseph Hayne Rainey of South Carolina, leader in the fight for rights of all Americans and minorities in this country.

At this time, I would like to yield time as he may consume to the gentleman from South Carolina, from the Sixth District of South Carolina, Representative JIM CLYBURN.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman from New Jersey for yielding to me to participate in this special order, and I thank him for organizing this special order this evening.

As the gentleman has mentioned, it is my great honor and privilege to serve in this body from the State of South Carolina, and to be here tonight to celebrate the 125th anniversary of Joseph Hayne Rainey's swearing in as a Member of this body is a great honor for me.

As was mentioned, Mr. Rainey was born in Georgetown, SC, though he made the bulk of his political life, at least it started in Charleston, where he moved to work as a barber and there entered political life.

Now, much has been said about Mr. Rainey's early life, but let me say just a little bit about him that has not been said thus far.

When Mr. Rainey took the position, of course he was elected to the State senate in 1870. And, of course, later that same year, he opted to fill an unexpired term in the Congress; and of course, when he came here, he came to represent what was then the First Congressional District, including Charleston and Georgetown, all the way up to Florence. The First District at that time was much like what is now the Sixth Congressional District that I am proud to represent.

Now, Mr. Rainey served for a little over 8 years. During this period, he served longer than any of the other, up until that time, people of color in the House of Representatives. Having been elected in 1870, he staying until around 1879.

Now it is kind of interesting when we look at Mr. Rainey's service. He was, of course, the first of eight African-Americans to serve during this period from 1870 to 1897. The last in that period was George Washington Murray. And when George Washington Murray left in 1897, no other person of color represented the State of South Carolina in this body until January, 1993, when it was my privilege to take the oath some 95 years later.

In 1993, the people of Georgetown honored Mr. Rainey by naming a park in the city for him and erecting in that park a bust of Mr. Rainey. And it was my pleasure to go to Georgetown and to be the keynoter for that occasion, and I am proud of the people of Georgetown for paying that honor, some 123 years after Mr. Rainey took the oath of office.

□ 2230

And, of course, we are here tonight on the 125th anniversary to add to the honor.

If we were to look at Mr. Rainey's service, we have to look to the future, I would hope, We know a bit from 1870 to now, 1995, 125 years, there was not continuous service. As I stated earlier, Mr. George Washington Murray left in 1897 and, of course, he was the last from South Carolina until I came along. Of course, in 1901, George White of North Carolina left and then no one of color served in this body until the 1920's, when there was a representative, Mr. De Priest, if my memory serves me well, elected from the State of Illinois.

Now, Mr. Speaker, I mention the State of Illinois here tonight because I think it helps to make my point. As we talk a little bit about the future, I used to teach history in the public schools of Charleston. I still love to read history. I would like to play interesting games with myself, as I go through history. I want to share with my brethren here this evening and other brothers and sisters who may be watching a little bit of what I feel about what went on during the time Mr. Rainey was elected and served and what has gone on today. There is some interesting similarities.

If we are to take note of recent developments, we know that just last week, the U.S. Supreme Court listened to argument over questions involving congressional districts and whether or not the drawing of congressional districts for the 1992 elections was unconstitutional or, I guess to put it in the positive, whether or not these congressional districts were constitutional. Of course, that hearing last week was precipitated by a decision a year ago by the Supreme Court concerning a case coming out of North Carolina, commonly referred to as Shaw versus Reno, at which time the Court said that the districts drawn in North Carolina were dissolved. It was kind of interesting that for the first time in the

history of the country the Court decided that the esthetics of a congressional district would bring into question the constitutionality of those districts.

Until that time, no one had ever worried about what shape a district had. We had always left it up to the States to determine how all this was done. Of course, by constitutional edict, by the court's edict, we have said that political considerations could be taken into account, incumbency could be taken into account, communities of interest, all these things could be taken into account. But all of a sudden, of course, I do not think the court has ever spoken to this, but we all know that in many communities around the country, even religion has been sued in order to determine how lines have been drawn.

The interesting thing about all of this is that, and I would hope that a bit of guidance could be gotten from the Court on this, because if you look at what was going on in 1870, I want to, I do not like to deal with numbers too much. Most people who are lovers of history do not like to deal with numbers. We tend to try to deal with facts and ideas.

But in 1870, at the time Mr. Rainey was elected from South Carolina, there were 415,814 blacks living in South Carolina. Only 289,667 whites lived in South Carolina in 1870 at the time Mr. Rainey was elected.

There is something very interesting about all of this. When the elections for the general assembly were over that year, as I just said, it was in this year that Mr. Rainey was also elected to the State senate. Serving the State senate at that time you only had 31 State senators. Twenty-one of them were white and only 10 were black. Now, not only was the population almost better than 3 to 2 black to white, the registered voters were 3 to 2 black to white. Yet those majority black people elected two-thirds of the senate to be white.

Now, of course, in the lower body, the House of Representatives, it was reversed. There were 72 blacks serving in the House elected in 1870 and 48 whites.

Now, the reason I point this out is because those people, the majority of the general assembly being people of color, decided that they did not want, for whatever reason, to run roughshod over the rights of their white counterparts and so they put in place a system of voting designed to protect the rights of their fellow South Carolinians who happened to have been white. They used a system called cumulative voting.

That system was put in place and it stayed in place from 1870 until 1879. They got rid of cumulative voting in 1879, after the State officials prevailed upon then the President of the United States, Rutherford B. Hayes, to take the Federal troops out of the South and then, according to one writer, who I cannot recall the name of at the moment, but I remember this phrase very well in my study of history, one writer said, Ratherford B. Hayes took the Federal troops out of the South and then left the quote unquote Negro up to the creative devices of white South Carolinians, creative devices.

Sounds like dissolved to me. Well, what happened, through threats, intimidation, through things like poll taxes, literacy tests, they were successful in then rendering black South Carolinians almost voteless. So when Mr. Rainey left in, I believe, March of 1879, it started a domino effect and by 1897, some 18 years later, no other person of color was left to serve in the Congress and, of course, the same year, 1901, that George White left the Congress from North Carolina, a Mr. Bolt, I believe his name was, B-O-L-T, I think was his name, from Georgetown, became the last person of color to serve in the South Carolina general assembly. Having then not only put these new systems in place, they also then, in 1896, wrote a new constitution for South Carolina. Of course, with that they put in place systems of voting that made it impossible for people of color to elect their choices to serve in the body.

Now, cumulative voting is a very interesting concept. It was not just used in South Carolina. It was born in South Carolina. South Carolina was the first State to usher this system on the scene. I believe Horace Greeley of New York initiated cumulative voting for the State of New York. At that time it had nothing to do with race. It had to do with Tammany Hall. Republicans could not get elected because the Democrats around the city of New York controlled Tammany Hall and, of course, they had locked everybody else out.

So Mr. Greeley came up with the concept of cumulative voting around 1870. It failed. He came back, I think in 1872, and this time, using a system they called, we would now call it proportional representation, they, which is a form of cumulative voting, it does not accumulate, but it is a different form of single member districts, it was successful and New York used that system at least in its lower body. It did not use it in the Senate, but they used it in, they did not call it the house of delegates at that time, it was the lower body, the general assembly. That was not the only State. Illinois used cumulative voting.

The interesting thing about Illinois is that Illinois used it because what they found in Illinois was that if you were in the northern part of Illinois, the Democrats controlled. In the southern part of Illinois, the Republicans controlled or vice versa. Do not hold me to which was which. My memory is not that good this evening. But it was divided. In other words, there was never any kind of interaction between the rural part of Illinois and that part of Illinois that was urban and, therefore, you had this polarized voting in the general assembly that had nothing to do with race. So they decided that the best way to approach that was to use the system called cumulative voting. So Illinois put cumulative voting in place in 1870, and it stayed in place until 1979. They did not get rid of cumulative voting in Illinois until 15 years ago.

Now, I am pointing all this out tonight because when Mr. Rainey served in the State Senate of South Carolina, just a few months before coming to this body, he was part of a process that looked for methods beyond winner-take-all elections in order to ensure adequate representation and fairness toward the white South Carolinians. And I tonight believe that it is time for us in this body, in the courts, everywhere else, to begin to look for methods to ensure representation and fairness to the people of color who now represent the minority in these areas. Winner-take-all elections say by their very nature that 49 percent may not ever have their voices heard or their wishes addressed, if you continue on our present course.

So I want to say to you, the chairman of the Congressional Black Caucus, my good friend from New Jersey, that I am appreciative of the fact that you have allowed me to participate here this evening because I think it is important for us to look at the historical context, not just of Mr. Rainey's election to this body but also what was going on in the country at the time of his election and how magnanimous he and other people of color were.

Before I yield back my time, let me explain what this cumulative voting is all about, because some people seem to think it is something very strange. If I might use what they did in, I think it was Illinois, maybe it was New York, where they used three-member districts. They had legislative districts.

□ 2245

Three members from each legislative district. What you do is that every voter gets three votes. That voter can give all three of his or her votes to one of the members, or can give one-and-a-half to two, or could give one vote to each of the three members in the district. And what they have found, as they found in Peoria, IL, where they use that today, they found it in Texas today, they found it in New Mexico, where they use it there, that it works. It allows everybody to participate.

I will tell you something else it does: It brings people to the polls, because when people feel they are outnumbered in these single member districts, they do not participate, because they do not think they have any chance to win. But when you go to these other methods, it

allows for significant participation on the part of voters.

So, I think, as was said here earlier tonight as a part of some other discussions, that there are some things happening in our country today indicating that voters are polarized, that citizens are polarized, political parties are polarized, and we, the people of good will, ought to begin to look at our history a little bit, and hopefully learn from that history, and maybe we can find from the history some ways to bring our people together, as Mr. Rainey and his cohorts did, on behalf of the protection of white South Carolinians and white Americans throughout New York, Illinois and other States, back in the 1870's and just after Reconstruction.

So I want to thank the gentleman for allowing me to participate.

Mr. PAYNE of New Jersey. Mr. Speaker, I thank the gentleman very much. I certainly appreciate those remarks from the gentleman from South Carolina, bringing out history. We really appreciate the work the gentleman has done on affirmative action and some of the light that the gentleman has brought into that discussion. I certainly know the gentleman will continue the great work that he has been doing.

I just might also mention, since the gentleman used Illinois so much, that there is an interesting thing happening in Illinois as we speak. The polls have not closed nor has the tally been counted, but there is a feeling that Mr. Jesse Lewis Jackson, Jr., may win the election in the special election in Illinois, the State the gentleman has been talking about.

Well, it is very interesting that Mr. Jesse Lewis Jackson, Jr., happened to be born in South Carolina, and he was born about 30 years ago. Thirty years ago was the march in Selma to talk about voting rights and attempting to get the rights of all people to vote. His father, Jesse Lewis Jackson, Sr., Dr. Martin Luther King, Wyatt T. Walker, many of us and myself, marched in that march to try to get voting rights. So I just mention that, that it would be very interesting if the first person to be seated was a person born in South Carolina, 125 years ago to this date; that if Mr. Jesse Jackson, Jr., is elected, native of South Carolina, to be the last person to be seated tomorrow, it would be very interesting to tie in in just an interesting way, and maybe God meant it to be this way; if he is fortunate to win, for the 125 years to be encompassed with the beginning and the end, sort of the alpha and omega here tonight on December 12.

I thank the gentleman very much.

At this time I would like to yield to the gentleman from the great State of New York [Mr. OWENS], from the 12th Congressional District of New York.

Mr. OWENS. Mr. Speaker, I thank the gentleman from New Jersey, the chairman of the Congressional Black Caucus, for convening this special order on Joseph Rainey on the occasion of Joseph Rainey's 125th anniversary upon being elected to the House of Representatives. On December 12, 125 years ago, Mr. Rainey took his seat in this House as the first black to be elected to the House of Representatives. Shortly before that, Mr. Hiram Revels had taken a seat in the Senate, on February 25.

I think it is very important, and I want to thank the gentleman from South Carolina for taking this occasion to give us a brief snapshot of some very important history. It was a lecture that I learned quite a bit from. It was only too short.

One of the advantages in celebrating an occasion like this, the anniversary of the seating of the first African-American to take a seat in the House of Representatives, is you can review some history and deal with some little known facts that are very seldom related, and you can also make an analysis and apply it to our present day problems. I think our friend from South Carolina [Mr. CLYBURN] has just done a marvelous job of not only adding some significant facts to the little known, but also applied it to the present. I think it is very important that we try to envisage the situation that existed when Joseph Rainey came to take his seat here in this House. I think it is important that young people understand what that must have been like. I think it is important for some of us who are caught in the present grip of a situation where there is a driven home to remake America, the Republican majority here is moving to remake America, and they are focusing on the budget right now and making it appear that the most important thing in the remaking of America is a reduction in the expenditures, a balanced budget, which creates a perfect excuse for cutting a lot of programs which benefit African-Americans, the descendants of slaves, because those descendants of slaves happen to be in a situation where economically they are still the poorest of Americans. There is a direct relationship between slavery, the institution of slavery, some people call it an institution, I call it a criminal industry, the criminal industry of slavery which existed for 232 years.

Let me just repeat that. The criminal industry of slavery existed in America for 232 years. Suddenly there was emancipation. Thank God for Abraham Lincoln and the Emancipation Proclamation, which set the stage for the freeing of the slaves, but did not free the slaves. It was the 13th amendment after the surrender of the Southern rebels, the 13th amendment that was enacted by the Congress which freed the slaves across the country.

But the precedent had within set by the Emancipation Proclamation. There was no turning back after Abraham Lincoln made his historic unpopular move in freeing the slaves as a strong President, taking an action that was not approved of by the Congress, that was not approved of by his own cabinet, but it was the right thing to do. It was a shinning moment in American history.

The important thing is to put all those facts together. The 232 years of slavery. We are the descendants of people who were kidnapped and brought here, and for 232 years they were enslaved, 232 years. When Joseph Rainey took his seat, the Civil War had not been over for very long and the slaves had not been free for very long.

It is almost a miracle that you could find anyone among the slaves who could qualify, who could organize, who could go through the political process to the point of going through the State legislature in South Carolina and then coming to the U.S. Congress. It is almost a miracle, because during that 232 years there was a determination to keep the slaves enslaved. There was laws made it a crime to teach a slave to read. Most of the Southern States, had laws, and the Southern States are where most of the slaves were concentrated, had laws which would imprison you, you could be put in prison for teaching someone to read. So the miracle is that you had enough who had learned to read, who had learned something about how to organize, to be able to bring the contingent to Congress that came in during the Reconstruction period. It was a great example of the phenomena that existed from the very first when the slaves were packed into slave ships and brought to the shores of the United States.

They did not come here like other immigrants. Our forefathers did not come here like other immigrants. They were packed into slave ships like sardines. There are disputes about how many came. Very interesting, our friend, the gentleman from South Carolina [Mr. CLYBURN], was talking, and he indicated one time in South Carolina, if I heard him correctly, there were more slaves than there were slave owners and whites, more descendants people of African descent, than there were whites in South Carolina.

I remember reading some figures in several books where Williamsburg in Virginia at one point had a slave population greater than the white population. Many other States had slave populations that were almost equal or perhaps even greater.

I imagine the people that took the census at those times would not let such a situation exist. There was a conflict, of course. Any Southern State wanted to have representation in Congress, so they had three-fifths of a man and each slave was allowed to stand for, which led to probably more an accurate account or, maybe some inflation of the figures sometimes, but it

was to their advantage to count the slaves, because those three-fifths added up to more representation in Congress. But in truth in many cases the blacks outnumbered the whites in some Southern localities and in some Southern States, a fact which is seldom revealed.

The laws that made it a crime to teach a black to read were not the only laws. There were other laws that related to any other kind of process which allowed for the socialization of blacks. There were laws which forbade marriage among slaves. For 232 years most of the enslaved population could not even legally get married. It was not surprising then that there were breakdowns in family structures, that slaves struggled so hard to hold together after emancipation. It is not surprising there is a legacy of problems related to families.

It is not surprising there is a legacy of problems related to economics, just plain money. If you came here as a slave, you did not come with any relatives in the old country who could send you money, any relatives who could make arrangements with relatives already living here to take care of you for a little while. If you did not have relatives, some group, other immigrants who came, they found someone here. We were not immigrants, but the immigrants who came, they found someone here they could relate to. Whether they were relatives or not, if they came from the old country, they helped.

So those people were relatively rich compared to slaves, who were deliverately torn from their tribes and torn from their ethnic backgrounds. Deliberate attempts were made to wipe out their identity, to put them together from different tribes so they did not speak the same language, and deliberately chaos was fomented.

This was the heritage they came with, economically, zero, nothing. For 232 years, since slaves were owned by somebody else, they could not accumulate any wealth.

There are recent studies that have shown that blacks in this country right now, even the middle-class blacks who have jobs and incomes which are comparable to whites with comparable education, the income gap has closed a great deal. We can say that we have made great strides and that equality is just over the horizon in terms of the income earned by middle-class, educated blacks, versus middle-class, educated whites. But there is a great gap in wealth.

A recent book shows that the gap in wealth is due to one important phenomena that exists among all other people, and that is inheritance; that even a small inheritance passed down from one generation to another, it builds up wealth. Most of the homes, which account for a large part of the wealth of new couples, most of the homes bought by new couples who are white are paid for by the down payment, or some large part of the home is paid for by the parents of the couple on one side or the other. They help. They pass on that kind of capital. There are many other examples of capital belongings that are passed on which account for wealth.

But here you have slaves, and we are the descendants of slaves who passed on nothing for 232 years. And then 100 years after that 232 years, the oppression was so great that the ability, the capacity to earn anything to pass down, was almost zero still. So is it surprising that the economic conditions of blacks in America at this very point, with all of the efforts that have been made to try to improve them and to close the gaps, they remain very serious in terms of capital and assets. Even the best off blacks, the middle-class blacks, do not have capital assets.

□ 2300

What does that boil down to? It means that if we streamline and we downsize and we take a job from a middle-class black, in a few months that middle-class black will be in poverty. There are no assets to back them up and to sustain them over a long period of time. So 3 to 6 months can spell disaster for a middle-class black earning a decent salary with a decent education.

The implications of this, I think, are not irrelevant to the discussion of Joseph Rainey. Joseph Rainey happened to be a situation where his father purchased his freedom. And I think it is to the credit of American slavery—there were some features in North American slavery that did not exist in South American slavery.

One of the things about North American slavery versus South American slavery was that in South America, the pattern of slavery for a long time was that slaves were brought over in large numbers and they were worked until they were worked to death. There was no attempt made to try to group slaves together and breed slaves and have offspring from the slaves, et cetera.

The pressure in North America, always there was a pressure, very early, this improvement of slavery so that the numbers that would come in were slowed down. And, finally, there were laws against more slaves coming in. And, finally, a law was passed which made slavery illegal and freed the slaves. There was a law to limit the number coming in. So the slave masters, the slave owners, the slave business in America did breed slaves. It found value in keeping the slaves alive. And in a sort of perverse way, that was a benefit.

Another benefit was, because of the pressure, the moral pressure, there were large numbers of slave owners who began to allow their slaves to purchase their freedom. It was a way to earn some extra income, I guess, in many cases. But for whatever reason, the purchase of the freedom by slaves even in South Carolina was a possibility. And the father of Joseph Rainey purchased his freedom, became a barber. Rainey became a barber. He had some sense of free enterprise.

Rainey was forced into the Confederate war machine later and he escaped. And, of course, I think we have related the story already of how he went to the West Indies and then came back after the war was over.

But the implications are what concern me most. I just want to close by trying to picture, again, and hoping that young people, both black and white, will try to picture a situation where slaves suddenly are able to move into politics. Slaves are begrudgingly admitted to the House of Representatives.

And this House of Representatives, which has always prided itself on being quite civil, was pretty mean and pretty nasty to the first black Congressman who came here. I just want to read from a book, which I will commend to those who are interested. Being a librarian, I cannot help but pass on some knowledge of where one can get some more knowledge. This is book called "Black Americans in Congress, 1870 to 1989." And the book is printed by the Government Printing Office, because it is a product of the Office of the Historian of the U.S. House of Representatives, and it was put together when Lindy Boggs was the chairman of the Bicentennial for Congress.

So this is a very good sketch of all the black Congressman from 1870 to 1989. And the introduction of this is by RON DELLUMS, who was at that time, when the book came out, the chairman of the Congressional Black Caucus. I want to read one or two paragraphs of this.

"The 19th Century black Congressmen, who unanimously adhered to the Republican party"—that is one of the ironies of history, is that all of the Congressmen who came here, Senators and Congressmen, were Republicans, because Abraham Lincoln was a Republican. It was the Republicans who freed the slaves. How history has changed.

The 19th Century black Congressmen, who unanimously adhered to the Republican party, which had championed the rights of freed men, often found the struggle for political equality continued after their election. Many of them faced contested elections and spent a good deal of their time defending the legitimacy of their claim to a House seat. Others found it difficult to speak on the floor or were subject to the hostility of various colleagues on the floor.

I think our colleague, Mr. CLYBURN, noted before that there were all kinds of tricks employed to get rid of the black Congressmen, and they finally succeeded in getting rid of all of them for a long period of time. But every

step of the way there were tricks employed, even in States where there was an overwhelming number of blacks, there were still more whites in many of the State legislatures and political offices than there were blacks, and there was still a situation where Mr. Rainey found himself challenged in election after election when he came here, due to the trickery and the various ways of denying representation.

I will not accuse the Supreme Court of trickery, but sometimes attitudes and postures, leanings, ideological bents, whatever we want to call them, can be just as poisonous as the kind of trickery that kept the number of black Congressmen very low and created misery for those who were here.

The Supreme Court, all of a sudden, as was pointed out by my colleague, Mr. CLYBURN, all of a sudden the Supreme Court has become interested in the aesthetics and the shape of congressional districts. Now, for years, since the beginning of the Republic, the aesthetics have been bad, because always incumbents and people in power, parties in power, drew the lines to get the best benefits for themselves.

So if we look over history, and we have some booklets that have the shapes of congressional districts over history, the worst shaped districts do not exist right now. There have been some far worse ones that have existed. The voting rights area districts that are being challenged now, those that happen to have black congresspersons or persons of African descent elected from them, they are not the worst that exist now. There are much worse, much more oddly shaped districts.

Suddenly the aesthetics have become a problem and we have a Supreme Court ruling that when we have these odd-shaped, strange-shaped districts, then something probably is wrong and we have a right to challenge them. And certainly if race is involved, that becomes a major factor.

We have a problem in this second period of reconstruction, when blacks finally began to get numbers in Congress which are consummate and comparable to the numbers of the population. We have officially, I think, about 13 percent of the population. Probably more, but about 13 percent. But we do not have 13 percent representation in Congress, but we are moving in that direction. We have 10. We are moving toward 10 percent. And as we move in that direction, we have these new challenges and this concern for aesthetics. It is a new kind of trickery.

I will close with the fact that the participation level in history by blacks must be raised. We must look back more carefully and more intensely at our history. Not just blacks but all Americans.

I think a great statement was made today by the Prime Minister of Israel about the greatness of America. We are a great country. There are many great attributes, and the greatness of America flowered in the 20th century. It was not the 19th century, as we came out of slavery, I assure you, but the 20th century.

We have a lot to be proud of, but we should look back on some of the history which is not so glorious and use the lessons of that history to take care of some of the problems that keep manifesting themselves in the meanspiritedness that is exhibited in the budget debate and in the coming set of diversions that will take place as we move toward the election of 1996.

I thank the gentleman for yielding me this time.

Mr. PAYNE of New Jersey. I want to thank the gentleman very much for those remarks. Very instructive. And let me just say, as we conclude, that as the first African-American to serve in the Congress from the great State of New Jersey, we have to take a look at history, too, in the North.

As the gentleman knows, the North was the great divide and fought against the Confederacy. But in my State of New Jersey slavery was outlawed in 1804, but the law stated that a female at the age of 21 may become free and a male at the age of 25. Well, at the time of the Emancipation Proclamation in New Jersey, there were still slaves and there were still slaves in New Jersey until after the Civil War because there were children.

It went on to say that a child born of a slave, of course, was a slave. So, therefore, before a person would get to be 21 or 25, their child was a slave; and, therefore, they continued to have slavery in New Jersey, although the underground railroad came through New Jersey. As a matter of fact, Harriet Tubman retired in New Jersey and took the little pension that she got to help other people who were more impoverished, even though she was practically penniless.

In our State of New Jersey the 13th, 14th, and 15th amendments were defeated. The 13th amendment was defeated. The 14th amendment was passed, but then it was overturned by the legislature that just ruled out the entire legislature. The party that passed it was the Republican Party. The Democrats came in and won the election by virtue of the fact that New Jersey did not want to have that ratified. And the 15th amendment also failed to be passed.

So we have a history. In 1860, New Jersey, Lincoln lost New Jersey. And again in 1864, because New Jersey opposed his policies of the freeing of slaves. And so in 1868 there was a great meeting in Trenton, NJ, where African-Americans came together to talk about the fact that they were still disenfranchised. It was difficult to vote. There was still slavery.

As a matter of fact, New Jersey supplied the South with a great deal of their products, of leather and copper and brass, because New Jersey was a State that invented some ways of tanning leather and shining brass, and so New Jersey was a key State for enterprise in the South.

So I think it is interesting, as the gentleman indicated, that we remember what happened in history. Of course, it was great that in 1868 it was the black vote that created the victory for the President in that election. As a matter of fact, in 1868 the Presidential nominee lost the majority of the white vote, and it was the 70-percent turnout of blacks in the South that could vote for the first time because of the Emancipation Proclamation in the 1868 election that caused a victory.

So I think that as we conclude here, it has been very instructive. I certainly appreciate the comments from both of the gentlemen; that 232 if a number that should continually be talked about, the years of slavery. We need to have another time.

And just talking about wealth, it was the Homestead Act, where people were able to get property, but African-Americans were restricted from participating in the Homestead Act. There were land grants where people were granted land. If they lived on land in the 1860's for over 5 years, the land was given to them.

I have talked to people who today still own property that their great, great, great grandparents got in the Homestead Act. All an individual did, they got on a horse, or they ran on foot and simply put a stake on the land, and whoever got there first owned the land. African-American blacks could not participate in that. It was not that we could not run, it was just that they would not let us run.

So I would like to, once again, thank my colleagues. I think that probably our time has been consumed, and I certainly appreciate the Speaker's indulgence. Let me say that, once again, we appreciate your comments and we should do this again because there is so much to talk about.

In the gentleman's State of New York, there were riots because people in New York did not want to fight in the Civil War. They did not want to possibly be injured or maimed fighting the South.

Mr. FALEOMAVAEGA. Mr. Speaker, today marks the 125th anniversary of the first African-American elected to the House of Representatives. Joseph Hayne Rainey, was elected to Congress in December 12, 1870, serving four consecutive terms from the First Congressional District of South Carolina. He also was the first black Member of Congress from South Carolina.

From the humbling vocation of his father, a barber, to being drafted by the Confederacy to fortify Charleston, Joseph Hayne Rainey climbed the ranks of the Republican Party, serving as county chairman and as a member of the State executive committee from 1868 to 1876.

While in Congress Joseph Rainey served on the following committees: Freedman's Affairs; Indian Affairs; Invalid Pensions; Selected Enrolled Bills; Select Centennial; and the Celebration of Proposed National Census of 1875.

He was recognized for his gracious and suave manner, never humiliating, always approachable and always in service to his constituents. He demonstrated considerable ability as the expounder of the political aspirations for African-Americans, actively seeking civil rights legislation, including the integration of public schools.

Mr. Speaker, today we pay tribute to Joseph Hayne Rainey, the first elected African-American Representative from South Carolina.

He portrayed the struggle of African-Americans, the struggle to be recognized as people and citizens of the United States. As well as the passage of the 1866 Civil Rights Act, the 13th, 14th, and 15th amendments to our Constitution, Joseph Rainey provided African-Americans a vision of what can be achieved. He fought hard for both African-Americans and caucasians, for the free and those still in chains, for the literate and illiterate, for man and for woman—believing in equal opportunity and equal access, and that race should not be an issue.

Mr. Speaker, I am in admiration of Joseph Rainey's achievement. He entered the political arena 10 to 20 years removed from the bondage of slavery, and his rise to the Halls of Congress helped lift the struggle of African-Americans to a new plain and acknowledgment.

Joseph Hayne Rainey, born June 21, 1832, died August 1, 1887. Elected to the U.S. House of Representatives 125 years ago, December 12, 1870.

Mr. Speaker, I yield back to my colleague from New Jersey, Congressman PAYNE, and thank him for the opportunity to bear testimony on this special occassion.

Mr. SCOTT. Mr. Speaker, this evening, I join my colleagues in commemorating the 125th anniversary of the swearing-in of an outstanding legislator, leader and African-American hero—Congressman Joseph Hayne Rainey of South Carolina. Participating in this commemoration is a special privilege for me because direct descendants of Congressman Joseph Rainey are constituents of mine in the Third District of Virginia.

Congressman Rainey was the first African-American ever elected to the House of Representatives, who actually served in this body. He was elected during the Reconstruction period, in a special election to fill the unexpired term created by the resignation of an incumbent.

Congressman Rainey was born to slave parents in Georgetown, SC, on June 21, 1832. His father purchased his family's freedom and taught Congressman Rainey the barber's trade. Rainey lived for a time in Philadelphia and it was there that he met and married his wife, Susan. During the Civil War, Rainey was drafted and served passengers on a Confederate blockade runner. In 1862, he and his wife escaped on a blockade runner to Bermuda, where slavery had been abolished in 1834.

In 1866, Congressman Rainey returned with his wife to Georgetown, SC, where he became active in the political life of his community. He joined the South Carolina Republican Party and became a representative to the 1868 South Carolina Constitutional Convention. He was elected to a 4-year term in the State senate. Two months later, he was nominated by his party and elected to the 41st Congress. After serving the partial term in the 41st Congress, he won reelection without opposition in 1872.

Congressman Rainey was an active and vocal proponent for social and economic justice during his tenure in office. He spoke on behalf of the civil rights bill sponsored by Senator Charles Sumner that outlawed racial discrimination in schools, transportation and public accommodations. In addition, he fought to expand educational opportunities by insisting that Federal aid to education be provided to all citizens and not exclude individuals by either race or region. In the congressional debate on the issue of education, Congressman Rainey stated:

I would not have it known that this ignorance is widespread; it is not confined to any one State. This mental midnight, we might justly say, is a national calamity, and not necessarily sectional. We should, therefore, avail power to avert its direful effects. The great remedy, in my judgment, is free schools, established and aided by the government throughout the land.

Another historical moment during Rainey's congressional service occurred in 1874, when he became the first African-American to preside over a House session.

Throughout his tenure in the House, opponents of Congressman Rainey challenged his elections. He faced virulent opposition by whites because he represented the interests of both his African-American and white constituents. Eventually, such opposition took its toll and Rainey was defeated in 1878.

Congressman Rainey's service in Congress was noteworthy not only for its historic significance, but for the excellent role model he set, as well, for those of us since privileged to serve in this body. We all owe him a debt of gratitude for his life and the legacy of service he left us.

Ms. JACKSON-LEE. Mr. Speaker, I am delighted to commemorate the life and distinguished congressional career of Joseph Hayne Rainey, the first African-American elected to the U.S. House of Representatives. Joseph Hayne Rainey was elected to Congress in 1870 and served until 1879. Among his achievements, the former Representative from South Carolina was eloquently outspoken in favor of legislation to enforce the 14th amendment. He laid the early ground work for the civil rights movement of the 1960's by demanding that African-Americans be admitted to all public places, and he worked to ensure that African-Americans were given all the civil rights that every other American citizen was entitled to.

Congressman Joseph Hayne Rainey was born and raised in South Carolina. His father had bought freedom for the family, and the young Joseph Rainey secured his limited education through private instruction. During the Civil War, when he was drafted by the Confederate authorities to work on forts in Charleston, Joseph Rainey was able to escape to the West Indies. He returned to South Carolina at the end of the war, and instead of exacting revenge against his oppressors, Joseph Rainey strongly supported amnesty and debt relief for ex-Confederates and white planters.

Joseph Rainey's forward-looking vision serves as a model for political office today. We can all learn from his example of courage in the face of adversity. Indeed, Congressman Joseph Hayne Rainey practiced the politics of inclusion, rather than the politics of divide and conquer.

Congressman Rainey served as a Member of Congress during the difficult era of Reconstruction. His policy was to focus on healing America, by moving the country forward into a new era. Today, the strife and division over race continues. Our work here in Congress and our everyday lives should be devoted to understanding our common goals as a Nation by working together for full citizen participation, progress, and peace. It is with a glad heart that I honor Congressman Rainey's life and career, which exemplified true public service.

Mr. CLAY. I rise in honor of the 125th anniversary of the swearing in of Joseph Hayne Rainey of South Carolina, the first black Member of Congress, into the 41st Congress.

In 1870, Rainey became the first black man actually to be seated in the House. He had been elected to a 4-year term in the State Senate, just 2 months prior to winning the congressional seat, which was being vacated because of the resignation of the incumbent, who had been accused of selling appointments to military academies. Rainey was slated as the Republican nominee and defeated his Democratic opponent in a special election. After serving the partial term in the 41st Congress, he won reelection without opposition in 1872.

Rainey was very active and vocal during his tenure of office. He spoke on behalf of the civil rights bill sponsored by Senator Charles Sumner that made racial discrimination in schools, transportation, and public accommodations illegal. He argued that unless certain protections for blacks were firmly established by Federal Law, there should be no amnesty for former Confederate officials.

Rainey also fought to expand educational opportunities. Insisting that Federal aid to education was not a sectional or racial issue, but one of great national import, he produced data showing that 126,946 school-age children in Illinois did not attend school; 308,213 in Indiana were not attending; 666,394 in Louisiana were not enrolled; and in Arkansas, of the 180,000 total school-age population only 40,000 were in daily attendance. In congressional debate, Rainey said,

I would have it known that this ignorance is widespread; it is not confined to any one State. This mental midnight, we might justly say, is a national calamity, and not necessarily sectional. We should, therefore, avail power to avert its direful effects. The great remedy, in my judgment, is free schools, established and aided by the government throughout the land.

Congressman Rainey was indeed an early advocate for public education, as well as equal opportunity. Thanks to his efforts, and those of other public education advocates,

every child in America has access to education. It is now the task of the 104th Congress to make sure that every child has access to a quality education.

I invite our colleagues to join me in celebrating the life of Joseph Hayne Rainey by accepting and meeting this challenge.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today in recognition of the Honorable Joseph Hayne Rainey, the first African-American Member of the U.S. Congress. One hundred and twenty-five years ago today, Mr. Rainey took his place in this great Chamber, beginning what was to become a long and distinguished career in public service.

Through hard work and dedication, Joseph Hayne Rainey rose from a limited educational background in the pre-Civil War South to a position of prominence in South Carolina's State government. On December 12, 1870, he was sworn in as a Member of the U.S. House of Representatives, where he served the citizens of South Carolina until his retirement in 1879.

During his time in Congress, Rainey was a forceful advocate in the battle to achieve and uphold the civil rights of all citizens, particularly African-Americans. An eloquent statesman, his speeches in favor of the 14th amendment, the Ku Klux Klan Act, and the Civil Rights Bill helped energize and give credence to the fight to end racial discrimination within all realms of society, including public and private transportation, our Nation's public schools, and the judicial system.

Congressman Rainey's agenda crossed all boundaries of race and region. As a leader in the fight to expand educational opportunities for all citizens, Rainey confronted issues which still occupy the legislative agenda over a century later. His vision of a nation where a child's future was not based upon background or ethnicity, but upon talents and abilities, is his enduring legacy and it remains a dream that we must continually nurture and struggle to achieve.

On this, the anniversary of Joseph Hayne Rainey's swearing-in as the first African-American Member of Congress, I ask my colleagues to join me in paying tribute to this noted trailblazer whose leadership on important societal issues should serve as an inspiration for all Americans.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to commemorate the Honorable Joseph Hayne Rainey, the first African-American Member of the U.S. Congress. His is a story of struggle and hope, perseverance, and success.

Congressman Joseph Rainey fulfilled the American Dream. No, his is not a story about instant success or one of rags to riches. Mr. Rainey's story is one of struggle, as he was born a slave in Georgetown, SC. Shortly after his birth, Joseph's father bought the Rainey family out of slavery. Soon, the elder Rainey established a prosperous business as a barber. Joseph followed his father's vocation, married and moved to Charleston, SC.

Drafted by the Confederacy in 1862, Joseph built military fortifications until he and his wife escaped to Bermuda. At the end of the war, Joseph returned to South Carolina, where he became active in the Republican Party. After establishing himself politically, Rainey was elected to Congress in 1870.

He went on to serve consecutive terms in Congress, representing his home district of Georgetown. And, as many of us know, that is no simple task even after 100 plus years of Reconstruction. In my State, I am the first African-American Congressman to represent Florida since 1871, when Josiah Walls was elected to serve in Washington. Mrs. MEEK and Ms. BROWN are the first African-American Congresswomen ever to serve our State.

My friends, this is not a fable of the Reconstruction. This is a story of struggle and liberation, this, is the American Dream.

Although my term in this House occurs 125 years after his, Joseph, and I have much in common. While in Congress, Representative Rainey was a very active proponent of civil rights legislation, including the integration of schools. He delivered effective speeches on the enforcement of the 14th amendment and the Ku Klux Klan Act.

The Congressman fought to broaden educational opportunities, believing that Federal aid for education was important to all Americans, regardless of race or region. It is this message that he would probably deliver to the majority in Congress today. Mr. Rainey was fiercely loyal to party and to cause.

And so, Mr. Speaker, it is with great pride that I honor Mr. Joseph Hayne Rainey, the first African-American Member of Congress.

Mr. STOKES. Mr. Speaker, I want to express my appreciation to the gentleman from New Jersey, Congressman DONALD PAYNE, for reserving this special order. DON is doing an outstanding job as chairman of the Congressional Black Caucus. As a founding member of the CBC, I am particularly pleased to join Congressman PAYNE and others as we pay tribute to an individual who was a political trailblazer, and who left his mark on the Halls of Congress and this Nation.

On December 12, 1870, Joseph Hayne Rainey was sworn as a Member of the 41st Congress. In this context, he became the first African-American to serve in the U.S. House of Representatives. He served in this legislative body until March 3, 1879. We gather today, on the 125th anniversary of his significant swearing-in, to recognize the contributions of Joseph Hayne Rainey.

Mr. Speaker, Joseph Rainey's swearing-in was particularly historic in light of the fact that just 2 years earlier, in 1868, a black American was elected to the House of Representatives, but was denied his seat. On November 3, 1868, John Willis Menard was elected to the House of Representatives from the Second Congressional District of Louisiana. Although his credentials were certified by the Governor of that State, Menard's seat was successfully contested and declared vacant on February 27, 1869. As a consequence, John Willis Menard was never permitted to sit in the Congress to which he had been elected. Prior to his departure from the House of Representatives, John Menard became the first black American to deliver a speech on the floor of the House.

History records that America's first black Senator suffered a similar experience. Hiram Revels was elected to the U.S. Senate on January 20, 1870, to fill the unexpired term of Jefferson Davis. Mr. Revels suffered a bitter debate over his right to be seated in the Senate. He faced baseless charges, including the charge that by virtue of his former condition of slavery, that he had not been a U.S. citizen the required 9 years. On February 25, 1870, almost a year to the day after the refusal of the House of Representatives to seat John Menard, Hiram Revels won his seat in the Senate.

It was in this type of setting that Joseph Hayne Rainey entered the Halls of Congress to represent his South Carolina district. Joseph Rainey was born in Georgetown, SC. His father was a barber who brought the freedom to his family. Rainey began his political career as a member of the executive committee of the Republican Party in that State. In 1870, Joseph Rainey was elected to fill the unexpired term of Congressman B.F. Whittenmore. Thus, he became the first black American to be elected and serve as a Member of the U.S. House of Representatives.

In the Congress, Joseph Rainey served with distinction as a member of the Freedmen's Affairs Committee, the Select Enrolled Bills Committee, and the Celebration of Proposed National Census of 1875 Committee, just to name a few. History records that Joseph Rainey was a skilled legislator and orator. He made impressive speeches on the House floor in favor of legislation to enforce the 14th amendment and the Civil Rights Act. Joseph Rainey also fought to expand educational opportunities. It was his belief that this was not an issue involving region or color, but an issue of great national importance.

Joseph Hayne Rainey served in the U.S. Congress until his retirement on March 3, 1879. Following his tenure in Congress, he was appointed as a special agent of the Treasury Department for South Carolina. He died in his hometown of Georgetown, SC, in 1886.

Mr. Speaker, as we gather in the House Chamber today, we pay tribute to Joseph Hayne Rainey. He and many others were trailblazers for the generations of black elected officials who have followed in their path. I applaud our good friend, Congressman DONALD PAYNE, for calling this special order to acknowledge the contributions of Joseph Hayne Rainey. It is certainly fitting and appropriate that we do so.

Ms. ROS-LEHTINEN. Mr. Speaker, I join my colleagues in this tribute to the public service of the Honorable Joseph Rainey of South Carolina, who was sworn in as a Member of the House of Representatives 125 years ago.

I congratulate Congressman DONALD PAYNE, chairman of the Congressional Black Caucus, for organizing this special order in honor of Congressman Rainey.

Born in slavery in 1832, Congressman Rainey joined the Republican Party at the end of the Civil War, and in 1870 was elected to the South Carolina State senate. That same year, a vacancy in the U.S. House of Representatives presented Joseph Rainey with the opportunity to accept the Republican nomination for the First Congressional District in South Carolina. He defeated Democrat C.W. Dudley, and was sworn in as a Member of this House on December 12, 1870.

Congressman Rainey was reelected in 1872, again in 1874, and in 1876. It was only after the tragic political compromise of 1877, in which the rights of black Americans were

sacrificed to political expediency, that Congressman Rainey's political career faded. After Federal troops withdrew from the South, the protection of all voter's rights to vote became impossible. The party of Abraham Lincoln was no longer able to protect Congressman Rainey in the increasingly polarized South that emerged after the reconstruction era ended. Mr. Rainey lost the election of 1878, and was never again to serve in public office.

I am proud to be a member of Mr. Rainey's party, and proud of our heritage of racial justice and political courage. Since Mr. Rainey's service in the Congress, we have made great strides toward our goal of making the House of Representatives into a house that truly represents the American people.

We were able to make those strides only because of the political and personal courage of our predecessors in public office. When one studies the social conditions of the late 19th century in a small southern city like Washington, DC, one knows that Mr. Rainey must have been a man of great personal courage and strength.

May we here today always strive to live up to his example.

Mr. SANFORD. Mr. Speaker, 125 years ago today one of my predecessors in the First District of South Carolina, the Honorable Joseph Hayne Rainey, was sworn in as the first African-American Member of the U.S. House of Representatives. I am proud to carry on his tradition of service to our area of South Carolina.

Representative Joseph Hayne Rainey was born in Georgetown, SC in 1832. Although having limited education he became a leader in post-Civil War South Carolina. And, in 1867, Representative Rainey became a member of the executive committee of the newly formed Republican Party of South Carolina. He served as a delegate to South Carolina's constitutional convention, and was later elected to the State senate. In 1870 he was elected to fill a vacant seat in the U.S. House of Representatives and served until 1879.

While in the House of Representatives, he impressed many people with his floor speeches on behalf of the enforcement of the 14th amendment and the civil rights bill. He was a fervent believer in equal rights for all citizens.

But this is what anyone could find out, as I did, through reading the brief biographical sketches that exist of Representative Rainey. What particularly struck me was that Representative Rainey was a man of conviction. He is described, in one of these sketches, as a man who stuck to his principles and was known as a courteous debater who defended his position not through arrogance, but through persuasion. In this respect, I seek to emulate him.

I was also impressed by the fact that Representative Rainey after leaving the House served again in South Carolina and then returned to Washington to work in the banking and brokerage business. In this sense, he also represented what I seek to be, a citizen legislator. And I am honored to be able to follow in his footsteps as a representative of the First District of South Carolina.

Miss COLLINS of Michigan. Mr. Speaker, I am pleased to commemorate the 125th anniversary of the election to Congress of the first African-American Member. Clearly, the highest honor we could bestow on the Honorable Joseph Hayne Rainey is to assure him that the struggle he began in this Congress 125 years ago, is being carried on today by some of us who still recognize that racial inequality and discrimination—two of the issues Congressman Rainey struggled valiantly against—continue to impact important policy decisions of this body. We saw it in our consideration of the sentencing guidelines relating to crack cocaine. We see it in the ongoing emphasis of the majority to put more of our citizens in prison, as opposed to investing in education and jobs. It is visible in the efforts by some to reduce the liability for white collar crime and securities fraud. We see it this week in the foreign operations appropriations measure which provides billions of foreign aid to some individual countries, while completely annihilating aid to the entire region of the sub-Saharan African countries. Another example is the announced effort in the coming session to eliminate affirmative action programs, without taking other effective steps to correct racial discrimination in that all important area of meaningful employment.

I believe that all of these important issues and others like them would be of great concern to Congressman Joseph Hayne Rainey, if he were here today. And I want him to know that partly due to the inspiration of his efforts and memory—many of us are still here working in support of his cause. Thank you Congressman Rainey. We will continue the fight.

GENERAL LEAVE

Mr. PAYNE of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. JONES). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CONFERENCE REPORT ON H.R. 1977, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. REGULA submitted the following conference report and statement on the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes:

CONFERENCE REPORT (H. REPT. 104-402)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies, for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 21, 24, 40, 54, 57, 67, 77, 83, 85, 94, 99, 100, 105, 107, 111, 117, 118, 123, 136, 138, 147, 148, 155, 163, 166, and 169.

That the House recede from its disagreement to the amendments of the Senate numbered 10, 11, 13, 15, 16, 17, 18, 19, 20, 28, 32, 34, 36, 45, 46, 48, 50, 51, 52, 56, 59, 61, 62, 66, 71, 72, 73, 74, 75, 76, 78, 80, 81, 82, 87, 88, 93, 96, 97, 102, 103, 106, 109, 113, 121, 124, 126, 127, 128, 129, 130, 131, 133, 134, 137, 139, 140, 141, 142, 143, 144, 145, 149, 150, 157, 159, 160, 161, and 162, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: , *and assessment of mineral potential of public lands pursuant to P.L. 96-487 (16 U.S.C. 3150 (a)), $568,062,000*; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows: After the first comma in said amendment insert: *of which $2,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of P.L. 96-487 (16 U.S.C. 3150), and*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$568,062,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,115,000*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$101,500,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$12,800,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$93,379,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$497,943,000, to remain available for obligation until September 30, 1997*, and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$37,655,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$36,900,000*; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *:Provided further, That the Director of the Fish and Wildlife Service may charge reasonable fees for expenses to the Federal Government for providing training by the National Education and Training Center: Provided further, That all training fees collected shall be available to the Director, until expended, without further appropriation, to be used for the costs of training and education provided by the National Education and Training Center*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows: Following "Public Law 88–567," insert: *if for any reason the Secretary disapproves for use in 1996 or does not finally approve for use in 1996 and pesticide or chemical which was approved for use in 1995 or had been requested for use in 1996 by the submission of a pesticide use proposal as of September 19, 1995,* ; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *:$1,083,151,000*; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: , *and of which not more than $500,000 shall be available for development of the National Park Service's management plan for the Mojave National Preserve: Provided, That these funds shall be strictly limited to the development activities for the Preserve's management plan* ; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *:$37,649,000* ; and the Senate agree to the same.

Amendment Numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$36,212,000* ; and the Senate agree to the same.

Amendment Numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$143,225,000* ; and the Senate agree to the same.

Amendment Numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment insert the following: *$4,500,000 of the funds provided herein* ; and the Senate agree to the same.

Amendment Numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$49,100,000* ; and the Senate agree to the same.

Amendment Numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *: Provided, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.*

And the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

The National Park Service may enter into cooperative agreements that involve the transfer of National Park Service appropriated funds to state, local and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs.

And the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

The National Park Service shall, within existing funds, conduct a Feasibility Study for a northern access route into Denali National Park and preserve in Alaska, to be completed within one year of the enactment of this Act and submitted to the House and Senate Committees on Appropriations and to the Senate Committee on Energy and (Natural Resources and the House Committee on Resources. The Feasibility Study shall ensure that resource impacts from any plan to create such access route are evaluated with accurate information and according to a process that takes into consideration park values, visitor needs, a full range of alternatives, the viewpoints of all interested parties, including the tourism industry and the State of Alaska, and potential needs for compliance with the National Environmental Policy Act. The Study shall also address the time required for development of alternatives and identify all associated costs.

This Feasibility Study shall be conducted solely by the National Park Service planning personnel permanently assigned to National Park Service offices located in the State of Alaska in consultation with the State of Alaska Department of Transportation.

And the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g and related purposes as authorized by law and to publish and disseminate data; $73,503,000*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: , *and of which $137,000,000 for resource research and the operations of Cooperative Research Units shall remain available until September 30, 1997, and of which $16,000,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: *: Provided further, That funds available herein for resource research may be used for the purchase of not to exceed 61 passenger motor vehicles, of which 55 are for replacement only: Provided further, That none of the funds available under this head for resource research shall be used to conduct new surveys on private property, including new aerial surveys for the designation of habitat under the Endangered Species Act, except when it is made known to the Federal official having authority to obligate or expend such funds that the survey or research has been requested and authorized in writing by the property owner or the owner's authorized representative: Provided further, that none of the funds provided herein for resource research may be used to administer a volunteer program when it is made known to the Federal official having authority to obligate or expend such funds that the volunteers are not properly trained or that information gathered by the volunteers is not carefully verified: Provided further, That no later than April 1, 1996, the Director of the United States Geological Survey shall issue agency guidelines for resource research that ensure that scientific and technical peer review is utilized as fully as possible in selection of projects for funding and ensure the validity and reliability of research and data collection on Federal lands: Provided further, That no funds available for resource research may be used for any activity that was not authorized prior to the establishment of the National Biological Survey: Provided further, That once every five years the National Academy of Sciences shall review and report on the resource research activities of the Survey: Provided further, That if specific authorizing legislation is*

enacted during or before the start of fiscal year 1996, the resource research component of the Survey should comply with the provisions of that legislation: Provided further, That unobligated and unexpended balances in the National Biological Survey, Research, inventories and surveys account at the end of the fiscal year 1995, shall be merged with and made a part of the United States Geological Survey, Surveys, investigations, and research account and shall remain available for obligation until September 30, 1996: Provided further, That the authority granted to the United States Bureau of Mines to conduct mineral surveys and to determine mineral values by section 603 of Public Law 94–579 is hereby transferred to, and vested in, the Director of the United States Geological Survey; and the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$182,994,000*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

For expenses necessary for, and incidental to, the closure of the United States Bureau of Mines, $64,000,000, to remain available until expended, of which not to exceed $5,000,000 may be used for the completion and/or transfer of certain ongoing projects within the United States Bureau of Mines, such projects to be identified by the Secretary of the Interior within 90 days of enactment of this Act: Provided, That there hereby are transferred to, and vested in, the Secretary of Energy: (1) the functions pertaining to the promotion of health and safety in mines and the mineral industry through research vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania, and at its Spokane Research Center in Washington; (2) the functions pertaining to the conduct of inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines under the minerals and materials science programs at its Pittsburgh Research Center in Pennsylvania, and at its Albany Research Center in Oregon; and (3) the functions pertaining to mineral reclamation industries and the development of methods for the disposal, control, prevention, and reclamation of mineral waste products vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania: Provided further, That, if any of the same functions were performed in fiscal year 1995 at locations other than those listed above, such functions shall not be transferred to the Secretary of Energy from those other locations; Provided further, That the Director of the Office of Management and Budget, in consultation with the Secretary of Energy and the Secretary of the Interior, is authorized to make such determinations as may be necessary with regard to the transfer of functions which relate to or are used by the Department of the Interior, or component thereof affected by this transfer of functions, and to make such dispositions of personnel, facilities, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connection with, the functions transferred herein as are deemed necessary to accomplish the purposes of this transfer: Provided further, That all reductions in personnel complements resulting from the provisions of this Act shall, as to the functions transferred to the Secretary of Energy, be done by the Secretary of the Interior as though these transfers had not taken place but had been required of the Department of the Interior by all other provisions of this Act before the transfers of function become effective: Provided further, That the transfers of function to the Secretary of Energy shall become effective on the date specified by the Director of the Office of Management and Budget, but in no event later than 90 days after enactment into law of this Act: Provided further, That the reference to "function" includes, but is not limited to, any duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$173,887,000*; and the Senate agree to the same.

Amendment numbered 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$1,384,434,000*; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$100,255,000 shall be for welfare assistance grants and not to exceed $104,626,000*; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$68,209,000*; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$71,854,000*; and the Senate agree to the same.

Amendment Numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows: Before ": *Provided further*" in said amendment, insert: , *to become effective on July 1, 1997*; and the Senate agree to the same.

Amendment Numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$100,833,000*; and the Senate agree to the same.

Amendment Numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$80,645,000*; and the Senate agree to the same.

Amendment Numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows: In lieu of the sum named in said amendment insert: *$500,000*; and the Senate agree to the same.

Amendment Numbered 69:

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of the first sum named in said amendment insert: *$4,500,000*.

In lieu of the second sum named in said amendment insert: *$35,914,000*.

In lieu of the third sum named in said amendment insert: *$500,000*; and the Senate agree to the same.

Amendment Numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$65,188,000, of which (1) $61,661,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research*; and the Senate agree to the same.

Amendment Numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows:

In lieu of "October 1, 1995" named in said amendment insert: *March 1, 1996*; and the Senate agree to the same.

Amendment Numbered 84:

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *Sec. 108. Prior to the transfer of Presidio properties to the Presidio Trust, when authorized, the Secretary may not obligate in any calendar month more than 1/12 of the fiscal year 1996 appropriation for operation of the Presidio: Provided, That this section shall expire on December 31, 1995.*

And the Senate agree to the same.

Amendment Numbered, 86:

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 115. (a) Of the funds appropriated by this Act or any subsequent Act providing for appropriations in fiscal years 1996 and 1997, not more than 50 percent of any self-governance funds that would otherwise be allocated to each Indian tribe in the State of Washington shall actually be paid to or on account of such Indian

tribe from and after the time at which such tribe shall—

(1) take unilateral action that adversely impacts the existing rights to and/or customary uses of, nontribal member owners of fee simple land within the exterior boundary of the tribe's reservation to water, electricity, or any other similar utility or necessity for the nontribal members' residential use of such land; or

(2) restrict or threaten to restrict said owners use of or access to publicly maintained rights of way necessary or desirable in carrying the utilities or necessities described above.

(b) Such penalty shall not attach to the initiation of any legal actions with respect to such rights or the enforcement of any final judgments, appeals from which have been exhausted, with respect thereto.

And the Senate agree to the same.

Amendment Numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *Sec. 118. Section 4(b) of Public Law 94–241 (90 Stat. 263) as added by section 10 of Public Law 99–396 is amended by deleting "until Congress otherwise provides by law." and inserting in lieu thereof: "except that, for fiscal years 1996 through 2002, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be $11,000,000 annually, subject to an equal local match and all other requirements set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments in this subsection to be provided as set forth in subsection (c) until Congress otherwise provides by law.*

"(c) The additional amounts referred to in subsection (b) shall be made available to the Secretary for obligation as follows:

"(1) for fiscal years 1996 through 2001, $4,580,000 annually for capital infrastructure projects as Impact Aid for Guam under section 104(c)(6) of Public Law 99–239;

"(2) for fiscal year 1996, $7,700,000 shall be provided for capital infrastructure projects in American Samoa; $4,420,000 for resettlement of Rongelap Atoll; and

"(3) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands: Provided, That, in fiscal year 1997, $3,000,000 of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1997, and in each year thereafter, not to exceed $3,000,000 may be allocated, as provided in appropriations Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of the Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands. The specific projects to be funded in American Samoa shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with the American Samoa Government and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing budget recommendations for capital infrastructure funding, the Secretary shall indicate the highest priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed $2,000,000 per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: Provided further, That the cumulative amount set aside for such emergency fund may not exceed $10,000,000 at any time.

"(d) Within the amounts allocated for infrastructure pursuant to this section, and subject to the specific allocations made in subsection (c), additional contributions may be made, as set forth in appropriations Acts, to assist in the resettlement of Rongelap Atoll: Provided, That the total of all contributions from any Federal source after enactment of this Act may not exceed $32,000,000 and shall be contingent upon an agreement, satisfactory to the President, that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap Atoll and that such funds will be expended solely on resettlement activities and will be properly audited and accounted for. In order to provide such contributions in a timely manner, each Federal agency providing assistance or services, or conducting activities, in the Republic of the Marshall Islands, is authorized to make funds available through the Secretary of the Interior, to assist in the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the provision of ex gratia assistance pursuant to section 105(c)(2) of the Compact of Free Association Act of 1985 (Public Law 99–239, 99 Stat. 1770, 1792), including for individuals choosing not to resettle at Rongelap, except that no such assistance for such individuals may be provided until the Secretary notifies the Congress that the full amount of all funds necessary for resettlement at Rongelap has been provided.".

And the Senate agree to the same.

Amendment Numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$178.000,000*; and the Senate agree to the same.

Amendment Numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$136,794,000, to remain available until expended, as authorized by law*; and the Senate agree to the same.

Amendment Numbered 92:

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,256,253,000*; and the Senate agree to the same.

Amendment Numbered 95:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$163,500,000*; and the Senate agree to the same.

Amendment Numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$41,200,000*; and the Senate agree to the same.

Amendment Numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows: Following "Forest Service," in said amendment insert: *other than the relocation of the Regional Office for Region 5 of the Forest Service from San Francisco to excess military property at Mare Island, Vallejo, California,* ; and the Senate agree to the same.

Amendment Numbered 104:

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *Any funds available to the Forest Service may be used for retrofitting Mare Island facilities to accommodate the relocation: Provided, That funds for the move must come from funds otherwise available to Region 5: Provided further, That any funds to be provided for such purposes shall only be available upon approval of the House and Senate Committees on Appropriations.*

And the Senate agree to the same.

Amendment Numbered 108:

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

For fiscal years 1996 and 1997, the Secretary shall continue the current Tongass Land Management Plan (TLMP) and may accommodate commercial tourism (if an agreement is signed between the Forest Service and the Alaska Visitors' Association), except that during this period, the Secretary shall maintain at least the number of acres of suitable available and suitable scheduled timber lands, and Allowable Sale Quantity, as identified in the Preferred Alternative (Alternative P) in the Tongass Land and Resources Management Plan and Final Environmental Impact Statement (dated October 1992) as selected in the Record of Decision Review Draft #3–2/93. Nothing in this section, including the ASQ identified in Alternative P, shall be construed to limit the Secretary's consideration of new information or to prejudice future revision, amendment or modification of TLMP based upon sound, verifiable scientific data.

If the Forest Service determines in a Supplemental Evaluation to an Environmental Impact Statement that no additional analysis under the National Environmental Policy Act or section 810 of the Alaska National Interest Lands Conservation Act is necessary for any timber sale or offering which has been prepared for acceptance by, or award to, a purchaser after December 31, 1988, that has been subsequently determined by the Forest Service to be available for sale or offering to one or more other purchaser, the change of purchasers for whatever reason shall not be considered a significant new circumstance, and the Forest Service may offer or award such timber sale or offering to a different purchaser or offeree notwithstanding any other

provision of law. A determination by the Forest Service pursuant to this paragraph shall not be subject to judicial review.

And the Senate agree to the same.

Amendment Numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment insert: *and for promoting health and safety in mines and the mineral industry through research (30 U.S.C. 3, 861(b), and 951(a)), for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), and for the development of methods for the disposal, control, prevention, and reclamation of waste products in the mining, minerals, metal, and mineral reclamation industries (30 U.S.C. 3 and 21a), $417,169,000*; and the Senate agree to the same.

Amendment Numbered 112:

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$148,786,000*; and the Senate agree to the same.

Amendment Numbered 114:

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$553,293,000*; and the Senate agree to the same.

Amendment Numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$140,696,000*; and the Senate agree to the same.

Amendment Numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$114,196,000*; and the Senate agree to the same.

Amendment Numbered 119:

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$72,266,000*; and the Senate agree to the same.

Amendment Numbered 120:

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,747,842,000*; and the Senate agree to the same.

Amendment Numbered 122:

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$238,958,000*; and the Senate agree to the same.

Amendment Numbered 125:

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$308,188,000*; and the Senate agree to the same.

Amendment Numbered 132:

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,442,000*; and the Senate agree to the same.

Amendment Numbered 135:

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,840,000*; and the Senate agree to the same.

Amendment Numbered 146:

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

PUBLIC DEVELOPMENT

Funds made available under this heading in prior years shall be available for operating and administrative expenses and for the orderly closure of the Corporation, as well as operating and administrative expenses for the functions transferred to the General Services Administration.

And the Senate agree to the same.

Amendment Numbered 151:

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of Subsection (g) insert the following:

(g) Section 3(b) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 872(b)) is amended as follows:

"(b) The Corporation shall be dissolved on or before April 1, 1996. Upon dissolution, assets, obligations, indebtedness, and all unobligated and unexpended balances of the Corporation shall be transferred in accordance with the Department of the Interior and Related Agencies Appropriations Act, 1996.".

And the Senate agree to the same.

Amendment Numbered 152:

That the House recede for its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

SEC. 314. (a) Except as provided in subsection (b), no part of any appropriation contained in this Act or any other Act shall be obligated or expended for the operation or implementation of the Interior Columbia Basin Ecosystem Management Project (hereinafter "Project").

(b)(1) From the funds appropriated to the Forest Service and Bureau of Land Management: a sum of $4,000,000 is made available for the Executive Steering Committee of the Project to publish, and submit to the Committees on Agriculture, Nutrition, and Forestry, Appropriations, and Energy and Natural Resources of the Senate and Committees on Agriculture, Appropriations, and Resources of the House of Representatives, by April 30, 1996, an assessment on the National Forest System lands and lands administered by the Bureau of Land Management (hereinafter "Federal lands") within the area encompassed by the Project. The assessment shall be accompanied by draft Environmental Impact Statements that are not decisional and not subject to judicial review, contain a range of alternatives, without the identification of a preferred alternative or management recommendations, and provide a methodology for conducting any cumulative effects analysis required by section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)) in the preparation of such amendment to a resource management plan pursuant to subsection (c)(2). The Executive Steering Committee shall release the required draft Environmental Impact Statements for a ninety day public comment period. A summary of the public comments received must accompany these documents upon its submission to Congress.

(2) The assessment required by paragraph (1) shall contain the scientific information collected and analysis undertaken by the Project on landscape dynamics and forest and rangeland health conditions and the implications of such dynamics and conditions for forest and rangeland management, specifically the management of forest and rangeland vegetation structure, composition, density and related social and economic effects.

(3) The assessment and draft Environmental Impact Statements required by paragraph (1) shall not: contain any material other than that required in paragraphs (1) and (2); be the subject of consultation or conferencing pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536); or be accompanied by any record of decision or documentation pursuant to section 102(2) of the National Environmental Policy Act, except as specified in paragraph (1).

(c)(1) From the funds appropriated to the Forest Service and the Bureau of Land Management, each Forest Supervisor of the Forest Service and District Manager of the Bureau of Land Management with responsibility for a national forest or unit of land administered by the Bureau of Land Management (hereinafter "forest") within the area encompassed by the Project shall—

(A) review the resource management plan (hereinafter "plan") for such forest, the scientific information and analysis in the report prepared pursuant to subsection (b) which are applicable to such plan, and any policy which is applicable to such plan upon the date of enactment of this section (whether or not such policy has been added to such plan by amendment), including any which is, or is intended to be, of limited duration, and which the Project addresses; and

(B) based on such review, develop a modification of such policy, or an alternative policy which serves the basic purpose of such policy, to meet the specific conditions of such forest.

(2) For each plan reviewed pursuant to paragraph (1), the Forest Supervisor or District Manager concerned shall prepare and adopt an amendment which: contains the modified or alternative policy developed pursuant to paragraph (1)(B); is directed solely to and affects only such plan; and addresses the specific conditions of the forest to which the plan applies and the relationship of the modified or alternative policy to such conditions. The Forest Supervisor or District Manager concerned shall consult at a minimum, with the Governor of the State, and the Commissioners of the county or counties, and affected tribal governments in which the forest to which the plan applies is situated during the review of the plan required by paragraph (1) and the preparation of an amendment to the plan required by this paragraph.

(3) To the maximum extent practicable, each amendment prepared pursuant to paragraph (2) shall establish site-specific standards in lieu of imposing general standards applicable to multiple sites. Any amendment which would result in any major change in land use allocations within the plan or would reduce the likelihood

of achievement of the goals and objectives of the plan (prior to any previous amendment incorporating in the plan any policy referred to in paragraph (1)(A)) shall be deemed a significant change, pursuant to section 6(f)(4) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(4)) or section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), requiring a significant plan amendment or equivalent.

(4) Each amendment prepared pursuant to paragraph (2) shall comply with any applicable requirements of section 102(2) of the National Environmental Policy Act, except that any cumulative effects analysis conducted in accordance with the methodology provided pursuant to subsection (b)(1) shall be deemed to meet any requirement of such Act for such analysis and the scoping conducted by the Project prior to the date of enactment of this section shall substitute for any scoping otherwise required by such Act for such amendment, unless at the sole discretion of the Forest Supervisor or District Manager additional scoping is deemed necessary.

(5) The review of each plan required by paragraph (1) shall be conducted, and the preparation and decision to approve an amendment to each plan pursuant to paragraph (2) shall be made, by the Forest Supervisor or District Manager, as the case may be, solely on: the basis of the review conducted pursuant to paragraph (1)(A), any consultation or conferencing pursuant to section 7 of the Endangered Species Act of 1973 required by paragraph (6), any documentation required by section 102(2) of the National Environmental Policy Act, and any applicable guidance or other policy issued prior to the date of enactment of this Act.

(6)(A) Any policy adopted in an amendment prepared pursuant to paragraph (2) which is a modification of or alternative to a policy referred to in paragraph (1)(A) and upon which consultation or conferencing has occurred pursuant to section 7 of the Endangered Species Act of 1973, shall not again be subject to the consultation or conferencing provisions of such section 7.

(B) If required by such section 7, and not subject to subparagraph (A), the Forest Supervisor or District Manager concerned shall consult or conference separately on each amendment prepared pursuant to paragraph (2).

(C) No further consultation, other than the consultation specified in subparagraph (B), shall be undertaken on the amendments prepared pursuant to paragraph (2), on any project or activity which is consistent with an applicable amendment, on any policy referred to in paragraph (1)(A), or on any portion of any plan related to such policy or the species to which such policy applies.

(7) Each amendment prepared pursuant to paragraph (2) shall be adopted on or before October 31, 1996: Provided, That any amendment deemed a significant plan amendment, or equivalent, pursuant to paragraph (3) shall be adopted on or before March 31, 1997.

(8) No policy referred to in paragraph (1)(A), or any provision of a plan or other planning document incorporating such policy, shall be effective in any forest subject to the Project on or after March 31, 1997, or after an amendment to the plan which applies to such forest is adopted pursuant to the provisions of this subsection, whichever occurs first.

(9) On the signing of a record decision or equivalent document making an amendment for the Clearwater National Forest pursuant to paragraph (2), the requirement for revision referred to in the Stipulation of Dismissal dated September 13, 1993, applicable to the Clearwater National Forest is deemed to be satisfied, and the interim management direction provisions contained in the Stipulation of Dismissal shall be of no further effect with respect to the Clearwater National Forest.

(d) The documents prepared under the authority of this section shall not be applied or used to regulate non-Federal lands.

And the Senate agreed to the same.

Amendment numbered 153:

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

SEC. 315. RECREATIONAL FEE DEMONSTRATION PROGRAM.

(a) The Secretary of the Interior (acting through the Bureau of Land Management, the National Park Service and the United States Fish and Wildlife Service) and the Secretary of Agriculture (acting through the Forest Service) shall each implement a fee program to demonstrate the feasibility of user-generated cost recovery for the operation and maintenance of recreation areas or sites and habitat enhancement projects on Federal lands.

(b) In carrying out the pilot program established pursuant to this section, the appropriate Secretary shall select from areas under the jurisdiction of each of the four agencies referred to in subsection (a) no fewer than 10, but as many as 50, areas, sites or projects for fee demonstration. For each such demonstration, the Secretary, notwithstanding any other provision of law—

(1) shall charge and collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services by individuals and groups, or any combination thereof;

(2) shall establish fees under this section based upon a variety of cost recovery and fair market valuation methods to provide a broad basis for feasibility testing;

(3) may contract, including provisions for reasonable commissions, with any public or private entity to provide visitor services, including reservations and information, and may accept services of volunteers to collect fees charged pursuant to paragraph (1);

(4) may encourage private investment and partnerships to enhance the delivery of quality customer services and resource enhancement, and provide appropriate recognition to such partners or investors; and

(5) may assess a fine of not more than $100 for any violation of the authority to collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services.

(c)(1) Amounts collected at each fee demonstration area, site or project shall be distributed as follows:

(A) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, eighty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditures in accordance with paragraph (2)(A).

(B) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, twenty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(B).

(C) For agencies other than the Fish and Wildlife Service, up to 15% of current year collections of each agency, but not greater than fee collection costs for that fiscal year, to remain available for expenditure without further appropriation in accordance with paragraph (2)(C).

(D) For agencies other than the Fish and Wildlife Service, the balance to the special account established pursuant to sub-paragraph (A) of section 4(i)(1) of the Land and Water Conservation Fund Act, as amended.

(E) For the Fish and Wildlife Service, the balance shall be distributed in accordance with section 201(c) of the Emergency Wetlands Resources Act.

(2)(A) Expenditures from site specific special funds shall be for further activities of the area, site or project from which funds are collected, and shall be accounted for separately.

(B) Expenditures from agency specific special funds shall be for use on an agency-wide basis and shall be accounted for separately.

(C) Expenditures from the fee collection support fund shall be used to cover fee collection costs in accordance with section 4(i)(1)(B) of the Land and Water Conservation Fund Act, as amended: Provided, That funds unexpended and unobligated at the end of the fiscal year shall not be deposited into the special account established pursuant to section 4(i)(1)(A) of said Act and shall remain available for expenditure without further appropriation.

(3) In order to increase the quality of the visitor experience at public recreational areas and enhance the protection of resources, amounts available for expenditure under this section may only be used for the area, site or project concerned, for backlogged repair and maintenance projects (including projects relating to health and safety) and for interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement relating to public use. The agencywide accounts may be used for the same purposes set forth in the preceding sentence, but for areas, sites or projects selected at the discretion of the respective agency head.

(d)(1) Amounts collected under this section shall not be taken into account for the purposes of the Act of May 23, 1908 and the Act of March 1, 1911 (16 U.S.C. 500), the Act of March 4, 1913 (16 U.S.C. 501), the Act of July 22, 1937 (7 U.S.C. 1012), the Act of August 8, 1937 and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.), the Act of June 14, 1926 (43 U.S.C. 869–4), chapter 69 of title 31, United States Code, section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l), and any other provision of law relating to revenue allocation.

(2) Fees charged pursuant to this section shall be in lieu of fees charged under any other provision of law.

(e) The Secretary of the Interior and the Secretary of Agriculture shall carry out this section without promulgating regulations.

(f) The authority to collect fees under this section shall commence on October 1, 1995, and end on September 30, 1998. Funds in accounts established shall remain available through September 30, 2001.

And the Senate agree to the same.

Amendment numbered 154:

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 316. Section 2001(a)(2) of Public Law 104–19 is amended as follows: Strike "September 30, 1997" and insert in lieu thereof "December 31, 1996".

And the Senate agree to the same.

Amendment numbered 156:

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 319. GREAT BASIN NATIONAL PARK.

Section 3 of the Great Basin National Park Act of 1986 (16 U.S.C. 410mm-1) is amended—

(1) in the first sentence of subsection (e) by striking "shall" and inserting "may"; and

(2) in subsection (f)—

(A) by striking "At the request" and inserting the following:

"(1) EXCHANGES.—At the request";

(B) by striking "grazing permits" and inserting "grazing permits and grazing leases"; and

(C) by adding after "Federal lands." the following:

"(2) ACQUISITION BY DONATION.—

"(A) IN GENERAL.—The Secretary may acquire by donation valid existing permits and grazing leases authorizing grazing on land in the park.

"(B) TERMINATION.—The Secretary shall terminate a grazing permit or grazing lease acquired under subparagraph (A) so as to end grazing previously authorized by the permit or lease.".

And the Senate agree to the same.

Amendment numbered 158:

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

SEC. 322. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) PROCESSING SCHEDULE.—For those applications for patents pursuant to subsection (b) which were filed with the Secretary of the Interior, prior to September 30, 1994, the Secretary of the Interior shall—

(1) Within three months of the enactment of this Act, file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a plan which details how the Department of the Interior will make a final determination as to whether or not an applicant is entitled to a patent under the general mining laws on at least 90 percent of such applications within five years of the enactment of this Act and File reports annually thereafter with the same committees detailing actions taken by the Department of the Interior to carry out such plan; and

(2) Take such actions as may be necessary to carry out such plan.

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

And the Senate agree to the same.

Amendment numbered 164:

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment, insert: *328*; and the Senate agree to the same.

Amendment numbered 165:

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment, insert: *329*; and the Senate agree to the same.

Amendment numbered 167:

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment, insert: *330*; and the Senate agree to the same.

Amendment numbered 168:

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 331. (a) PURPOSES OF NATIONAL ENDOWMENT FOR THE ARTS.—Section 2 of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951), sets out findings and purposes for which the National Endowment for the Arts was established, among which are—

(1) "The arts and humanities belong to all the people of the United States";

(2) "The arts and humanities reflect the high place accorded by the American people . . . to the fostering of mutual respect for the diverse beliefs and values of all persons and groups";

(3) "Public funding of the arts and humanities is subject to the conditions that traditionally govern the use of public money [and] such funding should contribute to public support and confidence in the use of taxpayer funds"; and

(4) "Public funds provided by the Federal Government must ultimately serve public purposes the Congress defines".

(b) ADDITIONAL CONGRESSIONAL FINDINGS.—Congress further finds and declares that the use of scarce funds, which have been taken from all taxpayers of the United States, to promote, disseminate, sponsor, or produce any material or performance that—

(1) denigrates the religious objects or religious beliefs of the adherents of a particular religion, or

(2) depicts or describes, in a patently offensive way, sexual or excretory activities or organs

is contrary to the express purposes of the National Foundation on the Arts and the Humanities Act of 1965, as amended.

(c) PROHIBITION ON FUNDING THAT IS NOT CONSISTENT WITH THE PURPOSES OF THE ACT.—Notwithstanding any other provision of law, none of the scarce funds which have been taken from all taxpayers of the United States and made available under this Act to the National Endowment for the Arts may be used to promote, disseminate, sponsor, or produce any material or performance that—

(1) denigrates the religious objects or religious beliefs of the adherents of a particular religion, or

(2) depicts or describes, in a patently offensive way, sexual or excretory activities or organs,

and this prohibition shall be strictly applied without regard to the content or viewpoint of the material or performance.

(d) SECTION NOT TO AFFECT OTHER WORKS.—Nothing in this section shall be construed to affect in any way the freedom of any artist or performer to create any material or performance using funds which have not been made available under this Act to the National Endowment for the Arts.

And the Senate agree to the same.

Amendment numbered 170:

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 332. For purposes related to the closure of the Bureau of Mines, funds made available to the United States Geological Survey, the United States Bureau of Mines, and the Bureau of Land Management shall be available for transfer, with the approval of the Secretary of the Interior, among the following accounts: United States Geological Survey, Surveys, investigations, and research; Bureau of Mines, Mines and minerals; and Bureau of Land Management, Management of lands and resources. The Secretary of Energy shall reimburse the Secretary of the Interior, in an amount to be determined by the Director of the Office of Management and Budget, for the expenses of the transferred functions between October 1, 1995 and the effective date of the transfers of function. Such transfers shall be subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

And the Senate agree to the same.

Amendment numbered 171:

That the House recede from its disagreement to the amendment of the Senate numbered 171, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert the following:

SEC. 333. No funds appropriated under this or any other Act shall be used to review or modify sourcing areas previously approved under section 490(c)(3) of the Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101–382) or to enforce or implement Federal regulations 36 CFR part 223 promulgated on September 8, 1995. The regulations and interim rules in effect prior to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87, 36 CFR 223 Subpart D, 36 CFR 223 Subpart F, and 36 CFR 261.6) shall remain in effect. The Secretary of Agriculture or the Secretary of the Interior shall not adopt any policies concerning Public Law 101–382 or existing regulations that would restrain domestic transportation or processing of timber from private lands or impose additional accountability requirements on any timber. The Secretary of Commerce shall extend until September 30, 1996, the order issued under section 491(b)(2)(A) of Public Law 101–382 and shall issue an order under section 491(b)(2)(B) of such law that will be effective October 1, 1996.

And the Senate agree to the same.

Amendment numbered 172:

That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert the following:

SEC. 334. The National Park Service, in accordance with the Memorandum of Agreement between the United States National Park Service and the City of Vancouver dated November 4, 1994, shall permit general aviation on its portion of Pearson Field in Vancouver, Washington until the year 2022, during which time a plan

and method for transitioning from general aviation aircraft to historic aircraft shall be completed; such transition to be accomplished by that date. This action shall not be construed to limit the authority of the Federal Aviation Administration over air traffic control or aviation activities at Pearson Field or limit operations and airspace of Portland International Airport.

And the Senate agree to the same.

Amendment numbered 173:

That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment:

In lieu of the matter proposed by said amendment insert:

SEC. 335. The United States Forest Service approval of Alternative site 2 (ALT 2), issued on December 6, 1993, is hereby authorized and approved and shall be deemed to be consistent with, and permissible under, the terms of Public Law 100–696 (the Arizona-Idaho Conservation Act of 1988).

And the Senate agree to the same.

RALPH REGULA,
JOSEPH M. MCDADE,
JIM KOLBE,
JOE SKEEN,
BARBARA F. VUCANOVICH,
CHARLES H. TAYLOR,
GEORGE R. NETHERCUTT, Jr.,
JIM BUNN,
BOB LIVINGSTON,
Managers on the Part of the House.

SLADE GORTON,
TED STEVENS,
PETE V. DOMENICI,
MARK O. HATFIELD,
CONRAD BURNS,
ROBERT F. BENNETT,
CONNIE MACK,
J. BENNETT JOHNSTON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1977), making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 1977 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 104–173 or Senate Report 104–125 which are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

The managers have included funding in each of the land acquisition accounts that is not earmarked by individual projects. The managers direct the Department of the Interior and the Forest Service to develop a proposed distribution of project funding for review and approval by the House and Senate Committees on Appropriations. In developing the proposed distributions, the agencies are encouraged to give consideration to a broader array of projects than was proposed in the FY 1996 budget, including but not limited to, projects for which capability statements have been prepared.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

Amendment No. 1: Appropriates $568,062,000 for management of lands and resources instead of $570,017,000 as proposed by the House and $563,936,000 as proposed by the Senate. The amendment also adds language to transfer responsibility for mineral assessments in Alaska from the Bureau of Mines.

The net decrease below the House consists of decreases of $1,500,000 for wild horse and burro management, $500,000 for threatened and endangered species, $1,000,000 for recreation wilderness management, $448,000 for recreation resources management, $50,000 for coal management, $50,000 for other mineral resources, $554,000 for land and realty management, $4,000,000 for ALMRS, $500,000 for administrative support, and $834,000 for bureau-wide fixed costs; and increases of $4,981,000 for Alaska conveyance, $500,000 for information systems operations and $2,000,000 for mineral assessments in Alaska formerly funded under the Bureau of Mines.

Amendment No. 2: Restores House provision stricken by the Senate which provides $599,999 for the management of the East Mojave National Scenic Area. The Senate had no similar provision. The amendment also adds language earmarking $2,000,000 for mineral assessments in Alaska.

Amendment No. 3: Restates the final appropriation amount for management of lands and resources as $568,062,000 instead of $570,017,000 as proposed by the House and $563,936,000 as proposed by the Senate.

WILDLAND FIRE MANAGEMENT

Amendment No. 4: Appropriates $235,924,000 for wildland fire management as proposed by the House instead of $240,159,000 as proposed by the Senate.

CONSTRUCTION AND ACCESS

Amendment No. 5: Appropriates $3,115,000 for construction and access instead of $2,515,000 as proposed by the House and $2,615,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Sourdough Campground, AK	$584,000
Byington Campground, ID	290,000
West Aravaipa Ranger Station, AZ	200,000
Railroad Flat Campground, CA	218,000
Penitentie Canyon, CO	220,000
James Kipp Campground, MT	345,000
Datil Well Rec Site reconstruction, NM	41,000
Encampment River Rec Area, WY	60,000
Indian Creek Accessibility Rehab, NV	57,000
El Camino Real Int'l Heritage Ctr., NM–A&E	500,000
Flagstaff Hill, OR	600,000
Total	3,115,000

The managers urge BLM and the non-Federal partners to consider during the A&E phase of the El Camino Real International Heritage Center project the fact that future construction funds are likely to be severely constrained.

PAYMENTS IN LIEU OF TAXES

Amendment No. 6: Appropriates $101,500,000 for payments in lieu of taxes instead of $111,409,000 as proposed by the House and $100,000,000 as proposed by the Senate.

LAND ACQUISITION

Amendment No. 7: Appropriates $12,800,000 for land acquisition instead of $8,500,000 as proposed by the House and $10,550,000 as proposed by the Senate. The $12,800,000 includes $3,250,000 for acquisition management, $1,000,000 for emergency and inholding purchases, and $8,550,000 for land purchases.

Funds provided under this account for land purchases are subject to the guidelines identified at the front of this statement.

OREGON AND CALIFORNIA GRANT LANDS

Amendment No. 8: Appropriates $93,379,000 for Oregon and California grant lands instead of $91,387,000 as proposed by the House and $95,364,000 as proposed by the Senate.

The net increase above the House consists of a reduction of $900,000 for resources management, and increases of $1,115,000 for facilities maintenance, and $1,777,000 for Jobs-in-the-Woods.

The managers are concerned about the many programs in the President's Forest Plan designed to provide assistance to timber dependent communities in the Pacific Northwest. The managers are disturbed by the inability of the agencies involved to provide a detailed accounting of funds appropriated in previous fiscal years in the President's Forest Plan for the unemployed timber worker programs.

The managers expect the Secretary of the Interior and the Secretary of Agriculture to prepare a detailed accounting and report of the funds appropriated in fiscal year 1995 for the President's Forest plan. The report shall include a careful accounting of appropriated funding, including: funds appropriated for timber production; administrative expenses, including the number of Federal employees employed to administer the various aspects of the President's plan; funds appropriated for the various jobs programs under the President's plan, including but not limited to the Jobs in the Woods program; the number of individuals employed by these programs; and the average length of employment in the various jobs. The managers expect the Secretaries to submit the report to the Committees no later than March 31, 1996.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

Amendment No. 9: Appropriates $497,943,000 for resource management instead of $497,150,000 as proposed by the House and $501,478,000 as proposed by the Senate.

The net increase above the House consists of increases of $3,800,000 for cooperative conservation agreements, $750,000 for listing, $2,237,000 for habitat conservation, $1,502,000 for migratory bird management, $600,000 for hatchery operations and maintenance, $800,000 for fish and wildlife management, $478,000 for the National Education and Training Center, and $885,000 for vehicle and aircraft purchase; and reductions of $500,000 for recovery, $230,000 for environmental contaminants, $6,542,000 for refuge operations and maintenance, and $2,987,000 for servicewide administrative support.

The conference agreement includes $3,800,000 for cooperative conservation agreements with private landowners to institute effective management measures that make listing unnecessary. The managers intend that these funds also be used to implement the 4(d) rule which is intended to ease endangered species land use restrictions on small landowners. The managers agree that none of the funding for cooperative conservation agreements or listing be used in any way to conduct activities which would directly support listing of species or designating critical habitat.

The managers have included $750,000 under the listing program to be used only for

delisting and downlisting of threatened and endangered species in order to ease land use restrictions on private and public lands.

The conference agreement includes a reduction of $200,000 from the gray wolf reintroduction program. The managers expect the Service to continue the cooperative agreement with the Animal and Plant Health Inspection Service to provide assistance to ranchers experiencing livestock losses to wolves.

The managers agree with the Senate position regarding the continued operation of Federal fish hatcheries. However, the funding provided for hatcheries in total is below last year's level, so reductions will be necessary. The managers encourage those non-Federal parties that have expressed an interest in participating in hatchery transfers to continue to pursue this option, and the Service should provide the transitional assistance for such efforts as was contemplated in the budget. Within the funds restored for hatchery operations and maintenance, $500,000 is provided only for maintenance of those hatcheries transferred during fiscal year 1996.

The managers reiterate, however, the need for the working group proposed by the Senate to identify, by March 1, 1996, savings from the fisheries program that equal or surpass the savings associated with the hatchery transfers or closures proposed in the budget. Outyear funding for fisheries and other programs cannot be assured at a time of declining budgets, and future transfer proposals might not involve transitional assistance. The managers expect that there will be significantly fewer Federal fish hatcheries by the end of fiscal year 1997.

The National Fish and Wildlife Foundation is funded at a level of $4,000,000. The House recommended that no funds be provided for this purpose in the future. The Senate took no position regarding outyear funding for the Foundation.

The managers direct the Department to reinstate its 1992 policy, modified to reflect public comments received, regarding permit terms and conditions for hunting and fishing guides in Alaska providing permit terms of 5 years with one renewal period of 5 years, transferability under prescribed conditions, and a right of survivorship. At such time as the new policy is implemented, existing permits should be reissued consistent with this policy. The managers note that the existing policy limiting terms to one year makes it impossible to obtain financing for guiding operations while the limit on transferability and survivorship prevent long-time family businesses from continuing upon the death or illness of the permit holder.

The managers recognize the Fish and Wildlife Service's fisheries mitigation responsibilities pursuant to existing law and expect the working group to take into account such responsibilities.

Amendment No. 10. Extends availability of $11,557,000 for Lower Snake River compensation plan facilities until expended as proposed by the Senate, instead of limiting the availability to September 30, 1997 as proposed by the House.

Amendment No. 11: Includes language proposed by the Senate which prohibits listing additional species as threatened or endangered and prohibits designating critical habitat during fiscal year 1996 or until a reauthorization is enacted. The House had no similar provision.

CONSTRUCTION

Amendment No. 12: Appropriates $37,655,000 for construction instead of $26,355,000 as proposed by the House and $38,775,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Bear River Migratory Bird Refuge, UT, flood repair	$1,000,000
Bosque del Apache NWR, NM, repair	1,820,000
Hawaii captive propagation facility, HI	1,000,000
Mississippi refuges, bridge repair and equipment	1,120,000
National Education Training Center, WV, construction	24,000,000
Quivira NWR, KS, water management	760,000
Russian River, AK, rehab	400,000
Southeast Louisiana refuges, rehab	1,000,000
Wichita Mountains NWR, OK, Grama Lake and Comanche Dams, repair	700,000
Dam safety, servicewide inspections	460,000
Bridge safety, servicewide inspections	395,000
Emergency projects—servicewide	1,000,000
Construction management—servicewide	4,000,000
Total	37,655,000

The managers expect the Department to include the remaining funding necessary to complete the construction of the National Education and Training Center in the fiscal year 1997 budget.

NATURAL RESOURCE DAMAGE ASSESSMENT

Amendment No. 13: Appropriates $4,000,000 for the natural resource damage assessment fund as proposed by the Senate instead of $6,019,000 as proposed by the House.

The reductions below the House consist of $1,597,000 for damage assessments and $422,000 for program management.

LAND ACQUISITION

Amendment No. 14: Appropriates $36,900,000 for land acquisition instead of $14,100,000 as proposed by the House and $32,031,000 as proposed by the Senate. The $36,900,000 includes $8,000,000 for acquisition management, $1,000,000 for emergency and hardship purchases, $1,000,000 for inholding purchases, $1,000,000 for land exchanges, and $25,900,000 for refuge land purchases.

Funds provided under this account for land purchases are subject to the guidelines identified at the front of this statement.

NORTH AMERICAN WETLANDS CONSERVATION FUND

Amendment No. 15: Appropriates $6,750,000 for the North American Wetlands Conservation Fund as proposed by the Senate instead of $4,500,000 as proposed by the House.

The increase above the House includes $2,230,000 for habitat management and $20,000 for administration.

The House recommended that no funds be provided for this purpose in the future. The Senate took no position regarding outyear funding for this program.

WILDLIFE CONSERVATION AND APPRECIATION FUND

Amendment No. 16: Appropriates $800,000 for the Wildlife Conservation and Appreciation Fund as proposed by the Senate instead of $998,000 as proposed by the House.

Amendment No. 17: Deletes matching requirements proposed by the House and stricken by the Senate. The matching requirements of the Partnerships for Wildlife Act will continue to apply, and do not need to be stated in the appropriations act.

ADMINISTRATIVE PROVISIONS

Amendment No. 18: Provides authority to purchase 113 motor vehicles as proposed by the Senate instead of 54 passenger vehicles as proposed by the House.

Amendment No. 19: Deletes House prohibition on purchasing police vehicles. The Senate had no similar provision.

Amendment No. 20: Includes Senate provision that the Fish and Wildlife Service may accept donated aircraft. The House had no similar provision.

Amendment No. 21: Includes House provision prohibiting the Fish and Wildlife Service from delaying the issuance of a wetlands permit for the City of Lake Jackson, TX. The Senate had no similar provision.

Amendment No. 22: Modifies Senate provision on the distribution of refuge entrance fees by substituting language which allows the Fish and Wildlife Service to charge reasonable fees for expenses associated with the conduct of training programs at the National Education and Training Center. Any fees collected for this purpose will be used to cover costs associated with the operation of this facility. The House had no similar provision.

Amendment No. 23: Modifies Senate provision regarding use of pesticides on farmland within wildlife refuges in the Klamath Basin. The amendment is based, in part, upon the Service's representation that it has already approved or anticipates approval of certain materials that are needed for farming during this fiscal year and that it will consider other materials for 1996 and subsequent years. If these approvals do not occur or are withdrawn, the Senate language will prevail and growers will be subject to the same restrictions as growers on private lands. Allowing the pesticide use proposal process to remain in effect for the next fiscal year will enable growers and the Federal government to work constructively toward an agreeable process.

NATURAL RESOURCES SCIENCE AGENCY

RESEARCH, INVENTORIES AND SURVEYS

Amendment No. 24: Deletes Senate language providing $145,965,000 for a natural resources science agency and providing guidance on the operation of that agency. This agency would have replaced the National Biological Service. The House had no similar provision. The managers have agreed to eliminate the National Biological Service and to fund natural resources research as part of the U.S. Geological Survey as proposed by the House. This item is discussed in more detail under amendment Nos. 42 and 43.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Amendment No. 25: Appropriates $1,083,151,000 for operation of the National park system instead of $1,088,249,000 as proposed by the House and $1,092,265,000 as proposed by the Senate. The reduction from the Senate level reflects the transfer of the equipment replacement account back to the construction account.

In keeping with the demands placed on other Interior bureaus, the managers have not funded uncontrollable costs and expect these costs to be absorbed through reductions to levels of review and management. Efficiencies should also be sought by exploring opportunities that exist and have been outlined in GAO reports to co-locate and combine functions, systems, programs, activities or field locations with other Federal land management agencies.

The managers are concerned about the costs associated with the current reorganization effort and strongly urge the NPS to

limit expenditures for task forces, work groups and employee details and special assistants. The managers request that a report be submitted by February 1, 1996, detailing a budget history of past costs and future estimated costs associated with the reorganization.

The managers expect a report within 45 days of enactment of this Act identifying NPS' preliminary allocations for fiscal year 1996. This report will serve as the baseline for any reprogrammings in fiscal year 1996.

In considering these allocations, the managers expect that none of the programmatic increases requested in the budget are to be considered except those necessary to meet specific park operating needs. This includes new and expanded programs. Any new initiative such as those related to training, reorganization or national service should be addressed through the reprogramming process.

The managers expect that the National Park Service will use these operating funds for core park programs.

The managers expect that the principle goal of the reorganization plan which is to relocate staff from central and regional offices to the parks, will greatly alleviate the pressures placed on parks by increased visitation.

The managers understand that in September 1995, a delegation from the World Heritage Committee of the United Nations Educational, Scientific and Cultural Organization held hearings in Montana regarding Yellowstone National Park and surrounding areas. The managers understand that the World Heritage Committee has neither the authority nor the ability to require the Federal or State governments to change, modify or amend management directions or to create, manage or maintain buffer zones to protect resources. In the event the World Heritage Committee, or any other organization, recommends non-binding steps to protect resources in the Yellowstone area, the managers expect the National Park Service, as well as any other affected Federal agency, to follow the regular planning process, including full public involvement, before implementing any management changes.

The managers have agreed to the House position regarding the termination of the Pennsylvania Avenue Development Corporation and the transfer of certain specific activities to other agencies including the National Park Service. This item is discussed in greater detail in amendment number 151 in Title III.

Amendment No. 26: Revises House language stricken by the Senate to provide for the use of up to $500,000 for the development of a management plan for the Mojave National Preserve.

The National Park Service is directed to develop a long-term management plan for the Mojave National Preserve that incorporates traditional uses and recognizes budgetary constraints. The managers have permitted up to $500,000 to be used for this specific purpose. Such funds must be derived from the Office of the Director of the National Park Service and funds may not be reprogrammed from any other source within the National Park Service or the Department of the Interior to replenish the Office of the Director account.

The management plan shall set forth a vision for public use of and access to the Mojave National Preserve that gives proper balance to:

1. Pre-existing uses of the area:

2. The full range of compatible recreational uses of the Mojave;

3. Modes of transport, including vehicle, bicycle, foot, helicopter, fixed-wing aircraft, and other appropriate means;

4. Legal access for private lands and interests which remain within the boundary of the Preserve;

5. Public education on the history of human use of the desert, on the native biota of the desert, and on the appropriate balance between these sometimes competing elements;

6. The adoption of necessary management policies for the Mojave which assure long-term sustainability of the species, habitats, and ecosystems of the desert, including the humans; and

7. Consideration of ways to assure a continuous Heritage Trail corridor through the Preserve in order to provide public access over the historic route.

It is the intent of the managers during this interim period, while the Park Service prepares this plan, that the Bureau of Land Management manage the day-to-day operations of the Preserve; $599,999 has been provided for this specific purpose. The Department may not transfer any of these operating funds to the National Park Service or any other entity within the Department of the Interior during fiscal year 1996.

At the present of the Bureau of Land Management, the managers do not object to the temporary detail of a small number of seasonal employees from nearby Park Service units.

NATIONAL RECREATION AND PRESERVATION

Amendment No. 27: Appropriates $37,649,000 for National recreation and preservation instead of $35,725,000 as proposed by the House and $38,094,000 as proposed by the Senate.

The reduction of $445,000 in Statutory and Contractual Aid from the Senate amount reflects the elimination of $23,000 for the Maine Acadian Cultural Preservation Commission and a reduction of $442,000 for the Native Hawaiian Culture and Arts program.

Amendment No. 28: Earmarks $236,000 for the William O. Douglas Outdoor Education Center as proposed by the Senate instead of $248,000 as proposed by the House.

As discussed under amendment No. 155, no funds are provided for the Mississippi River Corridor Heritage Commission. Within funds provided, the National Park Service shall publish the final report and enter into no other activities related to this corridor. The funds included in the Senate bill for the Commission have been transferred to the rivers and trails program.

HISTORIC PRESERVATION

Amendment No. 29: Appropriates $36,212,000 for the Historic Preservation Fund instead of $37,934,000 as proposed by the House and $38,312,000 as proposed by the Senate.

The managers have provided $32,712,000 for State grants and $3,500,000 for the National Trust for Historic Preservation.

The managers agree to a three year period of transition of the National Trust for Historic Preservation to replace Federal funds with private funding.

CONSTRUCTION

Amendment No. 30: Appropriates $143,225,000 for construction instead of $114,868,000 as proposed by the House and $116,480,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Andersonville National Historic Site, GA (prisoner of war museum)	$2,800,000
Assateague National Seashore, MD (erosion control)	300,000
Blackstone River Valley National Heritage Corridor MA/RI (interpretive project)	300,000
Blue Ridge Parkway, Hemphill Knob, NC (administration building)	1,030,000
Cane River Creole National Historic Park, LA (preservation and stabilization)	4,000,000
Chickasaw National Recreation Area, OK (campground rehabilitation)	1,624,000
Chamizal National Monument, TX (rehabilitation)	300,000
Crater Lake National Park, OR (dormitories construction)	10,000,000
Cuyahoga National Recreation Area, OH (site and structure rehabilitation)	2,500,000
Delaware Water Gap National Recreation Area, PA (trails rehabilitation)	1,050,000
Everglades National Park, FL (water delivery system modification)	4,500,000
Fort Necessity National Battlefield, PA (rehabilitation)	265,000
Fort Smith National Historic Site, AR (rehabilitation)	500,000
Gateway National Recreation Area, NY (Jacob Riis Park rehabilitation)	1,595,000
General Grant National Memorial, NY (rehabilitation)	1,000,000
Gettysburg National Military Park, PA (water and sewer lines)	2,550,000
Glacier National Park, MT (rehabilitate chalets)	328,000
Grand Canyon National Park, AZ: Transportation	1,000,000
Gulf Islands National Seashore, MS (erosion control)	600,000
Harpers Ferry National Historical Park, WV (utilities and phone lines)	455,000
Hot Springs NP, AR (stabilization/Lead Point)	500,000
James A. Garfield National Historic Site, OH (rehabilitation/development)	3,600,000
Jean Lafitte National Park and Preserve, LA (complete repairs)	2,100,000
Klondike Gold Rush National Historical Park, AK (restore Skagway historic district	850,000
Lackawanna Valley, PA (technical assistance)	400,000
Lake Chelan National Recreation Area, WA (planning and design for repair of Company Creek Road)	280,000
Little River Canyon National Park, AL (health and safety)	460,000
Mount Rainier National Park, WA (replace employee dormitory)	6,050,000
Natchez Trace Parkway, MS	3,000,000
National Capital Parks—Central, DC (Lincoln/Jefferson memorials rehabilitation)	4,000,000

New River Gorge National River, WV (trails, visitor access and hazardous materials)	625,000
President's Park, DC: Replace White House electrical system	1,100,000
Sagamore Hill National Historic Site, NY (water and sewer lines)	800,000
Salem Maritime National Historic Site, MA (vessel exhibit)	2,200,000
Saratoga National Historical Park, NY (monument rehabilitation)	2,000,000
Sequoia National Park, CA (replace Giant Sequoia facilities)	3,700,000
Southwestern Pennsylvania Commission (various projects)	2,000,000
Stones River National Battlefield, TN (stablization)	200,000
Thomas Stone Historic Site, MD (rehabilitation)	250,000
Western Trails Center, IA	3,000,000
Wrangell-St. Elias National Park and Preserve, AK (Kennicott Mine site safety and rehabilitation)	1,500,000
Yosemite National Park, CA (El Portal maintenance facilities)	9,650,000
Zion National Park, UT (transportation system facilities)	5,200,000
Subtotal, line item construction	90,162,000
Emergency, unscheduled, housing	13,973,000
Planning	17,000,000
Equipment replacement	14,365,000
General management plans	6,600,000
Special resource studies	825,000
Strategic planning office	300,000
Total	143,225,000

The bill provides $1,000,000 for transportation related activities at Grand Canyon National Park. These funds are to be made available for transportation projects that the Superintendent of the Grand Canyon Park has identified as high priority. Therefore, it is the intent of the managers that these moneys be used for any transportation related expenditure, including the design of new transportation facilities and the purchase of new buses.

The managers encourage the National Park Service to proceed expeditiously with the necessary work at Cane River Creole NHP, LA.

Amendment No. 31: Earmarks $4,500,000 for the Everglades as proposed by the Senate instead of $6,000,000 as proposed by the House.

Amendment No. 32: Retains the Senate provision indicating Historic Preservation funds may be available until expended to stabilize buildings associated with the Kennicott, Alaska copper mine. The House had no similar provision.

LAND ACQUISITION

Amendment No. 33: Appropriates $49,100,000 for land acquisition instead of $14,300,000 as proposed by the House and $45,187,000 as proposed by the Senate. The $49,100,000 includes $7,200,000 for acquisition management, $3,000,000 for emergency and hardship purchases, $3,000,000 for inholding purchases, $1,500,000 for State grant administration, and $34,400,000 for other land purchases.

Amendment No. 34: Deletes the earmark inserted by the House and stricken by the Senate for Federal assistance to the State of Florida. Authority exists for the Department to use land acquisition funds for a grant to the State of Florida if approved pursuant to the procedures identified for land acquisition in fiscal year 1996.

Amendment No. 35: Modifies language proposed by the Senate which requires that funds which may be made available for the acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress. The House had no similar provision. Consistent with the direction for the land acquisition accounts, no specific earmark is provided for this project. Under the procedures identified for land acquisition, however, funds could be made available for the Elwha and Glines dams.

The Elwha Act, P.L. 102-495, authorizes the purchase of the Elwha and Glines dams by the Secretary of the Interior at a total purchase price of $29,500,000. Recognizing the serious funding constraints under which the Committees are operating, bill language has been included which authorizes funding to be provided over a period of years, as necessary, in order to acquire the dams. The bill language specifies that the appropriated funds may only be used for acquisition. Appropriated funds cannot be expended until the total purchase price of $29,500,000 is appropriated.

Under the Elwha Act, the Secretary is authorized to study the benefits of the removal of both dams, and to assess the costs of such a removal to restore fish runs in the Elwha River. The managers continue to be disturbed greatly by the early projections from the Administration of costs that range from $80–$300 million for dam removal. Due to the lack of available funds, the managers strongly discourage the Administration and those parties supporting dam removal from continuing to support such a policy. Instead, the managers encourage interested parties to pursue other, less costly alternatives to achieve fish restoration. The managers urge parties interested in the Elwha Act to work to find, within the next year, a more fiscally responsible and achievable solution to fishery restoration in lieu of dam removal. If no conclusion can be reached on this issue, the appropriations committee, working with the authorizing committees, will be forced to work to find a legislative solution to the problem.

The managers have included $1,500,000 for administration of the state grant program. These funds are provided only to close down ongoing projects. No funds are provided for new grants and the managers intend that no funds will be provided in the future.

ADMINISTRATIVE PROVISIONS

Amendment No. 36: Retains Senate language regarding an agreement for the redevelopment of the southern end of Ellis Island and providing for Congressional review. Identical language has been included in previous interior appropriations bills.

Amendment No 37: Modifies language proposed by the Senate to clarify that funds may not be used by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention. The House had no similar provision.

Amendment No. 38: Modifies Senate language to authorize the National Park Service (NPS) to enter into cooperative agreements not only for the American Battlefield Program as proposed by the Senate but also to carry out its other statutory programs. Current authority is not adequate to allow the NPS to pursue a range of partnership opportunities which would benefit our National parks and programs. This language will enable NPS to enter into such agreements with States, local governments and other public and private entities, to accomplish, but not be limited to, such projects as scientific research with universities, joint maintenance operations with adjoining state parks, heritage partnerships, long-range trail development with a variety of entities, and other similar programs. The House had no similar provision.

Amendment No. 39: Modifies Senate language regarding a feasibility study for a northern access route into Denali National Park and Preserve in Alaska. The modification is to require that the study also be submitted to the House and Senate Committees on Appropriations.

Amendment No. 40: Deletes Senate language regarding the Stampede Creed Mine at Denali National Park in Alaska. The House had no similar provision.

If requested by the University of Alaska at Fairbanks, the National Park Service shall enter into negotiations regarding a memorandum of understanding for continued use of the Stampede Creek mine property. The Park Service should report to the relevant Congressional committees by May 1, 1996 on an assessment of damages resulting from the April 30, 1987 explosion. The repair or replacement should be to the same condition as existed on April 30, 1987. If the University of Alaska at Fairbanks seeks to replace the facilities, the Park Service should consider working with the Army to assist in any compensation to which the University of Alaska at Fairbanks may be eligible since the Army assisted the National Park Service with the explosives work conducted at Stampede Creek on April 30, 1987.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

Amendment No. 41: Appropriates $730,503,000 for surveys, investigations and research instead of $686,944,000 as proposed by the House and $577,503,000 as proposed by the Senate. The amendment also provides authority for minerals information activities formerly conducted in the Bureau of Mines.

Changes to the amount proposed by the House include increases of $24,112,000 for natural resources research, $16,000,000 for minerals information activities transferred from the Bureau of Mines and $4,000,000 for university earthquake research grants, and decreases in Federal water resources investigations of $176,000 for data collection and analysis and $100,000 for hydrology of critical aquifers and a decrease of $277,000 in the National mapping program for cartographic and geographic research.

The managers have provided $4,000,000 for university research in the earthquakes program. If there is a compelling need for additional funds in this program in fiscal year 1996 and an acceptable funding offset can be justified, the USGS should notify the Committees following the existing reprogramming guidelines. The Committees will consider any such request on its merits.

The managers understand that the USGS is constrained from releasing certain information under interagency agreement No. AGP00473.94 with the Bureau of Indian Affairs absent the approval of the BIA. This issue is discussed in more detail in the BIA section of this statement.

The managers have agreed to fund a competitive program for the water resources research institutes with at least a 2 to 1 funding match from non-Federal sources. The

managers expect that this approach likely will lead to the closure of some of the institutes. The managers recommend that in fiscal year 1996 a modest base grant of $20,000 per participating institute be provided with the balance of the funding for the program to be competitively awarded based on National program priorities established by the USGS. The need for continuing a small base grant beyond fiscal year 1996 should be carefully examined by the USGS in the context of its fiscal year 1997 budget priorities. The managers do not object to competitions being regionally-based if that approach is determined by the USGS to be the most productive, from the standpoint of meeting the most compelling information needs, and the most cost effective. If a regional approach is selected, the managers suggest that the USGS regions be consolidated so that there are no more than 4 or 5 large regional areas. The competition should not be structured to ensure that every participating institute in a region gets a competitive award. The USGS should report to the Committees in the fiscal year 1997 budget submission on how the competition is to be structured and should report in subsequent budget submissions on the distribution of competitively awarded grants by institute.

Amendment No. 42: Earmarks $137,000,000 for natural resources research and cooperative research units instead of $112,888,000 as proposed by the House. The Senate recommended funding this research under a separate account and at a level of $145,965,000 as discussed in amendment No. 24. The amendment also earmarks $16,000,000 for minerals information activities transferred from the Bureau of Mines, mines and minerals account (see amendment No. 47).

The managers agree that natural resources research in the Department of the Interior should be organized in a manner that ensures that it is independent from regulatory control and scientifically excellent. The managers intend the merger of these research activities into the USGS to be permanent. The USGS is directed to plan and manage the restructuring and downsizing of the former National Biological Service. Retrenchments required to remain within the reduced level of appropriations for the former NBS are to occur predominately in administrative, managerial and other headquarters support functions of that organization so as to maintain, to the maximum extent possible, scientific and technical capabilities.

The managers expect the agency to work closely with the land management agencies to identify priority science needs of concern to the Department's land managers on the ground. The managers are concerned that natural resource research be linked closely to management issues. In addition, attention should be provided to information related to wildlife resources entrusted to the stewardship of the Department; fisheries, including restoration of depleted stocks; fish propagation and riverine studies; aquatic resources; nonindigenous nuisances that affect aquatic ecosystems; impacts and epidemiology of disease on fish and wildlife populations; chemical drug registration for aquatic species; and effective transfer of information to natural resources managers.

During fiscal year 1996, funds appropriated for the functions of the former NBS shall remain a separate entity, titled "natural resources research", within the USGS. Upon completion of the necessary downsizing, and no later than nine months after enactment of this legislation, the managers direct the USGS to provide the Committees with a final plan for the permanent consolidation and integration of natural resources research functions into the USGS. As of October 1, 1996, employees of the former NBS shall be subject to the same administrative guidelines and practices followed by the USGS including peer review of research and investigations, maintenance of objectivity and impartiality, and ethics requirements regarding financial disclosure and divestiture. The managers expect that the USGS budget request for fiscal year 1997 will require amendment subsequent to its submission to reflect appropriately this consolidation. To reiterate, this merger is intended to be permanent and should be implemented fully by October 1, 1996.

During fiscal year 1996 the Department and the USGS are prohibited from reprogramming funds from other USGS programs and activities for any program or activity within the Department for natural resources research activities.

The managers also have agreed to provide $16,000,000 for minerals information activities, transferred from the Bureau of Mines. The funding represents a reduction from the fiscal year 1995 level and may require significant downsizing and restructuring of the program. The USGS should oversee the refocusing of the program. Until such downsizing is completed, the program should remain a separate and distinct budget and organizational entity within the USGS. To the extent job vacancies occur in the transferred program in fiscal year 1996, they should be filled with Bureau of Mines employees subject to termination or reduction-in-force. The managers understand that the existing USGS mineral resources survey activity is undergoing a restructuring and downsizing and expect that effort and the required downsizing of the minerals information program to proceed independently. When both downsizing efforts are completed, a single, refocused minerals program should be created which combines the minerals information activities transferred from the Bureau of Mines with other USGS mineral resources work.

Amendment No. 43: Modifies language inserted by the House and stricken by the Senate providing guidance on the conduct of natural resources research. The change to the House position expands the prohibition on the use of funds for new surveys on private property to include new aerial surveys for the designation of habitat under the Endangered Species Act unless authorized in writing by the property owner. With respect to natural resources research activities, the managers agree that funds may not be used for new surveys on private property without the written consent of the land owner, that volunteers are to be properly trained and that volunteer-collected data are to be verified carefully. The amendment also transfers authority from the Bureau of Mines to the Director of the USGS to conduct mineral surveys, consistent with the funding for that purpose earmarked under amendment No. 42.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

Amendment No. 44: Appropriates $182,994,000 for royalty and offshore minerals management instead of $186,556,000 as proposed by the House and $182,169,000 as proposed by the Senate. Changes to the amount proposed by the House include decreases in information management of $151,000 for the absorption of fixed cost increases and $3,000,000 which is offset by the authority to use additional receipts as provided in amendment Nos. 45 and 46; and decreases in general administration of $306,000 for administrative operations and $105,000 for general support services.

The managers agree that the independent review of the royalty management program which was recommended by the House should not be conducted until the disposition of the hardrock minerals program is legislatively resolved. Accordingly, no funds are earmarked for this effort in fiscal year 1996.

Amendment No. 45: Provides for the use of $15,400,000 in increased receipts for the technical information management system as proposed by the Senate instead of $12,400,000 as proposed by the House.

Amendment No. 46: Permits the use of additional receipts for Outer Continental Shelf program activities in addition to the technical information management system as proposed by the Senate. The House had no similar provision.

BUREAU OF MINES

MINES AND MINERALS

Amendment No. 47: Appropriates $64,000,000 for mines and minerals instead of $87,000,000 as proposed by the House and $128,007,000 as proposed by the Senate. The conference agreement provides for the transfer of health and safety research to the Department of Energy (see amendment No. 110). The $64,000,000 provided for mines and minerals is to be used for the orderly closure of the Bureau of Mines.

The managers expect that the health and safety functions in Pittsburgh, PA and Spokane, WA will be continued under the Department of Energy as will the materials partnerships program in Albany, OR. The U.S. Geological Survey will assume responsibility for the minerals information program in Denver, CO and Washington, DC. The Bureau of Land Management will assume responsibility for mineral assessments in Alaska. The managers do not object to a limited number of administrative support personnel being maintained in these locations. All other functions of the Bureau of Mines will be terminated and all other Bureau locations will be closed. The funds provided under this head should be sufficient to provide termination costs and to provide for environmental cleanup costs and for the required oversight and closeout of contracts. The managers understand that some contracts will require oversight through a logical completion point to ensure that the Federal investment is not lost. One example is the construction associated with the Casa Grande in situ copper leaching program. The managers expect that there will be few such cases and expect the Secretary to notify the Committees of the rationale for continuing specific contracts, not transferred to DOE, BLM or USGS, beyond the closure of the Bureau. The managers expect the Secretary to proceed apace with the termination of the Bureau using the funds provided herein.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

Amendment No. 48: Appropriates $95,970,000 for regulation and technology as proposed by the Senate instead of $93,251,000 as proposed by the House.

ABANDONED MINE RECLAMATION FUND

Amendment No. 49: Appropriates $173,887,000 for the abandoned mine reclamation fund instead of $176,327,000 as proposed by the House and $170,441,000 as proposed by the Senate.

The net decrease below the House consists of reductions of $500,000 for donations,

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$2,000,000 for reclamation program operations, and $93,000 for administrative support; and increases of $13,000 for executive direction and $140,000 for general services.

Amendment No. 50: Deletes House earmark of $5,000,000 for the Appalachian Clean Streams Initiative. The Senate had no similar provision.

Amendment No. 51: Deletes House provision that allowed the use of donations for the Appalachian Clean Streams Initiative. The Senate had no similar provision.

Amendment No. 52: Includes Senate provision which allows States to use part of their reclamation grants as a funding match to treat and abate acid mine drainage, consistent with the Surface Mining Control and Reclamation Act (SMCRA). The House had no similar provision.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Amendment No. 53: Appropriates $1,384,434,000 for the Operation of Indian Programs instead of $1,509,628,000 as proposed by the House and $1,261,234,000 as proposed by the Senate. Changes to the amount proposed by the House from Tribal Priority Allocations include decreases of $1,500,000 for contract support, $4,000,000 for small and needy tribes, and a general reduction of $92,136,000.

Changes from Other Recurring Programs include: increases of $1,109,000 for ISEP formula funds, $1,000,000 for student transportation, and $73,000 for Lake Roosevelt; and decreases of $1,109,000 for ISEP adjustments, $1,000,000 for early childhood development, and $1,186,000 for community development—facilities O&M; and a transfer of $3,047,000 from trust services to the Office of Special Trustee for American Indians.

Changes from Nonrecurring Programs include: increases of $400,000 for Self Determination grants, $1,500,000 for community economic development grants, $250,000 for technical assistance, and $1,500,000 for water rights negotiations; and decreases of $442,000 for attorney fees and $125,000 for resources management for absorption of pay costs.

Changes from Central Office Operations include: a decrease of $126,000 for the substance abuse coordination office, a decrease of $2,000,000 for education program management, a $12,477,000 transfer from trust services to the Office of Special Trustee for American Indians, a transfer of $447,000 from general administration to the Office of Special Trustee for American Indians, and a general reduction of $14,400,000.

Changes from Area Office Operations include a transfer of $2,367,000 from trust services to the Office of Special Trustee for American Indians and a general reduction of $14,447,000.

Changes from Special Programs and Pooled Overhead include: increases of $1,337,000 for special higher education scholarships, $962,000 for the Indian Arts and Crafts Board, $1,780,000 for intra-governmental billings, and $57,000 for direct rentals; and decreases of $866,000 for the Indian Child Welfare Act, $1,500,000 for employee displacement costs, $141,000 for personnel consolidation, $664,000 for GSA rentals, $1,666,000 for human resources development, and a $23,000 general reduction.

Amendment No. 54: Deletes Senate earmark of $962,000 for the Indian Arts and Crafts Board. The House had no similar provision. The managers agree that within Special Programs/Pooled Overhead, $962,000 is earmarked for the Indian Arts and Crafts Board. In light of declining budgets, future funding for this program should be provided through non-Federal sources.

Amendment No. 55: Earmarks $104,626,000 for contract support costs as proposed by the Senate instead of $106,126,000 as proposed by the House and adds language earmarking $100,255,000 for welfare assistance.

Amendment No. 56: Earmarks up to $5,000,000 for the Indian Self-Determination fund as proposed by the Senate instead of $5,000,000 as proposed by the House.

Amendment No. 57: Earmarks $330,711,000 for school operations costs as proposed by the House instead of $330,991,000 as proposed by the Senate.

Amendment No. 58: Earmarks $68,209,000 for higher education scholarships, adult vocational training, and assistance to public schools instead of $67,138,000 as proposed by the House and $69,477,000 as proposed by the Senate.

Amendment No. 59: Retains a statutory reference to the Johnson O'Malley Act as proposed by the Senate. The House had no similar provision.

Amendment No. 60: Earmarks $71,854,000 for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, and the Navajo-Hopi settlement program instead of $74,814,000 as proposed by the House and $62,328,000 as proposed by the Senate.

Amendment No. 61: Deletes a reference to trust fund management as proposed by the Senate. Responsibility for trust fund management has been transferred to the Office of Special Trustee for American Indians.

Amendment No. 62: Deletes reference to the statute of limitations language, as proposed by the Senate. This language is included in the Office of Special Trustee for American Indians (amendment No. 80).

Amendment No. 63: Retains Senate language on the use of up to $8,000,000 in unobligated balances for employee severance, relocation, and related expenses and inserts new language regarding the effective date when schools can adjust salary schedules. The House had no similar provision.

The managers agree that:

1. Under Other Recurring Programs $409,000 is earmarked for Alaska legal services and salmon studies.

2. Not more than $297,000 shall be available for a grant to the Close Up Foundation.

3. Amounts specifically earmarked within the bill for Tribal Priority Allocations are subject to the general reduction identified for Tribal Priority Allocations. The managers expect the Bureau to allocate the general reduction in a manner that will not jeopardize funding provided from the Highway Trust Fund for road maintenance. In addition, the general reduction should not be applied to the $750,000 allocated for the Financial Management Improvement Team and for small and needy tribes. BIA should ensure that compacting and non-compacting tribes are treated consistently, except for compacting tribes who meet the criteria for small and needy tribes.

4. BIA should provide consistent treatment in allocating funds for small and needy tribes and new tribes. Allocations should be based on recommendations of the Joint Reorganization Task Force.

5. No funds are provided for the school statistics initiative. If the BIA wishes to pursue this initiative, the Committees will consider a reprogramming request.

6. Several steps must be completed before schools can adjust salary schedules. For this reason, bill language is included that will provide this authority beginning with the 1997–98 school year. The managers expect that within 30 days after enactment of this Act BIA should provide the Committees with a plan and time schedule advising how BIA will adjust salary schedules by the 1997–98 school year. The managers expect BIA to ensure that all necessary steps are taken to facilitate changes in salary rates for any schools desiring to use non-DOD pay rates.

7. $16,338,000 from the Operation of Indian Programs should be transferred to the Office of Special Trustee for American Indians (see Amendment No. 80).

The managers have agreed to a reduction of $2,000,000 for education program management in the Central Office Operations program. No reduction has been included for area and agency technical support in Other Recurring Programs. The managers expect the Bureau to review education program management at all levels to ensure that resources are properly allocated within the funding provided. If the Bureau wishes to reallocate the funds for these accounts, a reprogramming request should be submitted to the Committees.

The managers expect the Bureau of Indian Affairs to direct the U.S. Geological Survey to provide for the public release of all interpretations of data and reports (draft and final) completed under interagency agreement number AGP00473.94 and all related amendments immediately upon completion of the water studies. Within 15 days of enactment of this Act the BIA shall report to the Committees its decision as to whether or not it will direct the USGS to provide for the public release of the information. If the BIA does not allow for the public release of the information, the BIA should immediately cancel the interagency agreement with the USGS.

The managers have not agreed to the Senate amendment regarding a prohibition of the use of funds for travel and training expenses for the BIA. However, the BIA is expected to follow the guidance detailed in the discussion of Amendment No. 163.

CONSTRUCTION

Amendment No. 64: Appropriates $100,833,000 for construction instead of $98,033,000 as proposed by the House and $107,333,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of $4,500,000 for the Chief Leschi School, and $2,500,000 for the fire protection program, and decreases of $3,700,000 for the Navajo irrigation project and $500,000 for engineering and supervision.

The managers agree that the Chief Leschi School complex project will be phased in over a two-year period.

The managers agree that funding provided for construction projects should include the entire cost of a given project, which eliminates the need for a separate appropriation for contract support.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENT TO INDIANS

Amendment No. 65: Appropriates $80,645,000 for Indian land and water claim settlements and miscellaneous payments to Indians instead of $75,145,000 as proposed by the House and $82,745,000 as proposed by the Senate.

Amendment No. 66: Earmarks $78,600,000 for land and water claim settlements as proposed by the Senate instead of $73,100,000 as proposed by the House. Changes to the amount proposed by the House include an increase of $5,500,000 for the Ute Indian settlement.

Amendment No. 67: Earmarks $1,000,000 for trust fund deficiencies as proposed by the House instead of $3,100,000 as proposed by the Senate.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

Amendment No. 68: Appropriates $500,000 for technical assistance instead of $900,000 as proposed by the Senate and no funds as proposed by the House.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

Amendment No. 69: Appropriates $5,000,000 for guaranteed loans instead of $7,700,000 as proposed by the Senate and no funds as proposed by the House.

The managers agree that $4,500,000 is for the cost of guaranteed loans and $500,000 is for administrative expenses.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ASSISTANCE TO TERRITORIES

Amendment No. 70: Appropriates $65,188,000 for Assistance to Territories instead of $52,405,000 as proposed by the House and $68,188,000 as proposed by the Senate. The changers to the amount proposed by the House include a increase of $13,827,000 for territorial assistance and a decrease of $1,044,000 for American Samoa operations grants. The amount provided for territorial assistance includes increases over the House of $5,650,000 for technical assistance, $2,400,000 for maintenance assistance, $1,500,000 for management controls, and $750,000 for disaster assistance.

Amendment No. 71: Earmarks $3,527,000 for the Office of Insular Affairs as proposed by the Senate instead of no funds as proposed by the House. The managers agree that the Office of Territorial and International Affairs is abolished along with the Office of the Assistant Secretary for Territorial and International Affairs. The funding provided is for staff to carry out the Secretary's mandated responsibilities and is to be located under the Assistant Secretary for Policy, Management and Budget. This action is consistent with the reorganization already approved by the Appropriations Committees.

Amendment No. 72: Retains Senate language directing the use of funds for technical assistance, maintenance assistance and disaster assistance.

COMPACT OF FREE ASSOCIATION

Amendment No. 73: Deletes House proposed language and funding for impact aid to Guam as proposed by the Senate.

The managers agree that Guam should be compensated for the impact caused by immigration from the freely associated states as authorized under the Compact of Free Association. Funding for compact impact shall be provided by a re-allocation of existing mandatory grant funds as discussed under amendment No. 89.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

Amendment Nos. 74 and 75: The managers agree to the Senate language which changes the account name from Office of the Secretary to Departmental Management.

Amendment No. 76: Appropriates $57,796,000 for departmental management as proposed by the Senate instead of $53,919,000 as proposed by the House. A redistribution has been made which includes reductions of $296,000 to the Secretary's immediate office and $51,000 to Congressional Affairs. These funds have been transferred to Central Services.

The managers agree that these accounts have been restrained over recent years and that coordination of the Department's programs, particularly during the ongoing downsizing and restructuring process, is critical to ensure the overall effectiveness of the Department's programs. However, the managers feel that it is important to restrain these offices at the 1995 level considering that most of the Department's programs have sustained reductions, or face elimination, and all are being directed to absorb their uncontrollable expenses. The managers also recognize the need to have flexibility in the Departmental Offices to manage within reduced funding levels and with the displacements and uncertainties caused by reductions-in-force. Therefore, the managers agree that the Department may reprogram funds without limitation among the program elements within the four activities. However, any reprogramming among the four activities must follow the normal reprogramming guidelines.

The managers strongly support language included in the House Report which encourages each agency to reduce levels of review and management in order to cover the costs associated with pay raises and inflation. The Department should carefully review and eliminate excessive or duplicated positions associated with Congressional and Public Affairs offices.

Amendment No. 77: Deletes Senate language which prohibits the use of official reception funds prior to the filing of the Charter for the Western Water Policy Review Commission. The House had no similar provision.

CONSTRUCTION MANAGEMENT

Amendment No. 78: Appropriates $500,000 as proposed by the Senate instead of no funding as proposed by the House.

The managers agree to retain the core policy function from the Office of Construction Management in Office of Policy, Management and Budget. The balance of the programs are transferred to BIA construction.

NATIONAL INDIAN GAMING COMMISSION

Amendment No. 79: Modifies language inserted by the Senate requiring a report detailing information on Indian tribes or tribal organizations with gaming operations. The modification changes the date the report is due to March 1, 1996. The House had no similar provision.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

Amendment No. 80: Appropriates $16,338,000 for Federal trust programs in the Office of Special Trustee for American Indians and establishes this new account as proposed by the Senate. The House had no similar provision.

The managers agree to the following transfers from the Operations of Indian Programs account within the Bureau of Indian Affairs as proposed by the Senate: $3,047,000 from Other Recurring Programs for financial trust services; $2,367,000 from Area Office Operations for financial trust services; and $10,924,000 from Central Office Operations, including $10,447,000 for the Office of Trust Funds Management.

The managers concur with the need for establishing the office as articulated in the Senate report. The managers believe that the Special Trustee will be effective in implementing reforms in the Bureau of Indian Affairs only to the extent that the Trustee has authority over the human and financial resources supporting trust programs. Lacking such authority, the Trustee cannot be held accountable and the likely result will be simply one more office pointing out the shortcomings of the Bureau of Indian Affairs.

Furthermore, under the current financial constraints facing the Committees and the various downsizing activities taking place in the Department, it is essential that the Committees have a clear understanding of the organizational structure supporting trust programs and an assurance that the significant general reductions proposed to be taken against the Bureau of Indian Affairs do not impair the Secretary's ability to manage trust assets. The managers are aware that there may be additional activities that could be transferred to the Office and encourage the Special Trustee, the Department, the Bureau of Indian Affairs, the tribes, and the Office of Management and Budget to work closely with the appropriations and authorizing committees to identify the activities and related resources to be transferred.

Any increase in funding or staffing for the Office of Special Trustee should be considered within the context of the fiscal year 1997 budget request and with consideration for funding constraints and the downsizing occurring throughout the Department, particularly within the Bureau of Indian Affairs.

The managers have recommended funding in a simplified budget structure to allow the Special Trustee some flexibility in establishing the office and the budget structure. Prior to submission of the fiscal year 1997 budget request, the managers expect the Special Trustee to work with the Committees to establish an appropriate budget structure for the Office.

The managers expect the Special Trustee to provide by December 1, 1996 a detailed operating plan for financial trust services for fiscal year 1996. The plan should detail what specific activities relating to the reconciliation effort will be undertaken, both directly by the Office of Special Trustee and by its contractors. The plan should detail what products will be provided to the tribes and the Congress and when such products will be submitted. The plan should include staffing for financial trust services, including the number of vacant positions and when the positions are expected to be filled.

Within the funds provided, support should be provided to the Intertribal Monitoring Association (ITMA). The managers expect ITMA to provide the Special Trustee with any information that is provided to the Appropriations or authorizing committees. If the Office of the Special Trustee plans to continue funding ITMA in fiscal year 1997, the managers expect the Special Trustee to identify the funds to be available for ITMA in the fiscal year 1997 budget request.

To the extent possible, the managers expect that administrative support services will continue to be provided by the Bureau of Indian Affairs during fiscal year 1996. To the extent that resources exist within the Office of Special Trustee for budgeting or other administrative services, these activities should be provided by the Office of Special Trustee, rather than through the Bureau of Indian Affairs. The managers have not included any funds for overhead costs, such as GSA rent, postage, FTS-2000, PAY/PERS, or workers' compensation. These costs should be paid from the Operation of Indian Programs account during fiscal year 1996. The fiscal year 1997 budget should include appropriate overhead amounts in the Office of the Special Trustee.

ADMINISTRATIVE PROVISIONS

Amendment No. 81: Retains language inserted by the senate changing the name of "Office of the Secretary" to "Department Management".

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Amendment No. 82: Deletes an unnecessary comma as proposed by the Senate.

Amendment No. 83: Retains the House language stricken by the Senate granting the Secretary of the Interior authority to transfer land acquisition funds between the Bureau of Land Management, the U.S. Fish and Wildlife Service and the National Park Service.

Amendment No. 84: Modifies language proposed by the House and stricken by the Senate regarding the expenditure of funds for the Presidio. The managers are aware of legislation which may be enacted regarding the future management of the Presidio in California and have provided a funding limitation in order for the Congress to consider legislation this fall. In light of declining budgets, the managers recognize the need for an alternative approach for the Presidio that does not require additional appropriations from the Interior bill. Because the authorizing legislation may be enacted early in fiscal year 1996, the managers have included language which restricts how much funding can be obligated on a monthly basis for the first quarter of the fiscal year. However, if legislation is not enacted, the managers also recognize the need for the National Park Service to be able to fulfill its management and resource protection responsibilities at the Presidio. Thus, the obligation limitation would be lifted on December 31, 1995.

Because of concerns about sufficient resources remaining available to address the requirements of any authorization regarding the Presidio Trust, the managers expect the National Park Service to notify the relevant House and Senate appropriations and authorizing committees before awarding any major contracts after December 31, 1995, and prior to the establishment of the Presidio Trust once it is authorized.

Amendment No. 85: Restores language proposed by the House and stricken by the Senate repealing provisions of the Oil Pollution Act of 1990 with respect to Outer Continental Shelf leases offshore North Carolina. The repeal of this statute is not intended to excuse the United States from the liabilities, if any, it has incurred to date nor to otherwise affect pending litigation.

Amendment No. 86: Modifies language proposed by the Senate limiting the allocation of self-governance funds to Indian tribes in the State of Washington if a tribe adversely impacts rights of nontribal owners of land within the tribe's reservation. The House had no similar provision. The modification eliminates the requirement that a mutual agreement be reached within 90 days of enactment.

Amendment No. 87: Retains language proposed by the Senate which requires the Department of the Interior to issue a specific schedule for the completion of the Lake Cushman Land Exchange Act within 30 days of enactment and to complete the exchange by September 30, 1996. The House had no similar provision.

Amendment No. 88: Retains Senate language authorizing the National Park Service to expend funds for maintenance and repair of the Company Creek Road in Lake Chelan National Recreation Area and providing that, unless specifically authorized, no funds may be used for improving private property. The House had no similar provision.

Amendment No. 89: Revises language proposed by the Senate to reallocate mandatory grant payments of $27,720,000 to the Commonwealth of the Northern Mariana Islands (CNMI).

The managers agree that for fiscal years 1996 through 2002 the CNMI shall receive $11,000,000 annually. This is consistent with total funding, matching requirements, and terms negotiated and set forth in the agreement executed on December 17, 1992, between the special representative of the President of the United States and the special representatives of the Governor of the Northern Mariana Islands.

The managers agree that Guam shall receive impact aid of $4,580,000 in fiscal year 1996. This funding level shall continue through fiscal year 2001, as authorized by the Compact of Free Association. The managers agree that these grant funds must be used for infrastructure needs, as determined by the Government of Guam.

The managers agree that $7,700,000 shall be allocated for capital improvement grants to American Samoa in fiscal year 1996 and that higher levels of funding may be required in future years to fund the highest priority projects identified in a master plan. The managers have agreed to language directing the Secretary to develop such a master plan in conjunction with the Government of American Samoa. The plan is to be reviewed by the Army Corps of Engineers before it is submitted to the Congress and is to be updated annually as part of the budget justification.

The managers understand that renovation of hospital facilities in American Samoa has been identified as one of the more critical and high priority needs. The Secretary of the Interior and the American Samoa Governments are reminded that Congress required the creation of a hospital authority as a condition to Federal funding of health care facilities. The managers expect the existing hospital authority in American Samoa to be supported by the American Samoa Government so that it continues the purpose of improving the quality and management of health care.

The managers agree that $4,420,000 shall be allocated in fiscal year 1996 for resettlement of Rongelap Atoll. Language has been included that total additional contributions, including funding provided in this bill, may not exceed $32,000,000 and are contingent on an agreement that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap.

The managers have deleted language provisions proposed by the Senate which would legislate on several matters including minimum wage, immigration, and local employment in the Northern Mariana Islands.

The managers agree that the Secretary of the Interior should continue to submit an annual "State of the Islands" report. This report has been submitted for the past four years in accordance with Committee directives and is a valuable source of information for the Congress.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

Amendment No. 90: Appropriates $178,000,000 for forest research instead of $182,000,000 as proposed by the House and $177,000,000 as proposed by the Senate.

For forestry research, the managers reaffirm support for the consolidation of budget line items, to provide the agency additional flexibility with restructuring, and to allow efficiencies and cost savings as required to meet the funding reductions. The managers agree that no forest and range experiment station, research program, or research project should be held harmless from decreases that would impose disproportionate reductions to other research activities. The agency should maintain its focus on core research activities—including forestry research—that support initiatives relating both to public and private forest lands, and cooperative research efforts involving the universities as well as the private sector, directed at forest management, resource utilization and productivity. The managers urge the Forest Service to avoid location closures where research is not conducted elsewhere, and to consolidate programs that are spread over multiple locations. The managers are particularly concerned that silvicultural and hardwood utilization research continue given the large number of public and private forests which rely on this research.

In addition, the managers note the growing importance of data and other information collected through the Forest Inventory Analysis (FIA) program and the resulting statewide forest inventories. The analysis and collection of information directed at forest health conditions on public and private forest lands has become especially important in recent years.

The managers have included $300,000 for landscape management research at the University of Washington, $479,000 for Cook County Ecosystem project, and $200,000 for research at the Olympic Natural Resources Center in Forks, WA.

STATE AND PRIVATE FORESTRY

Amendment No. 91: Appropriates $136,794,000 for State and private forestry as proposed by the Senate but deletes Senate earmarks for cooperative lands fire management and the stewardship incentives program. The House provided $129,551,000 for State and private forestry.

The net increase above the House includes increases of $4,500,000 for the stewardship incentives program, $3,000,000 for forest legacy program, and $5,500,000 for economic action programs; and reductions of $2,000,000 from forest health management, $621,000 from cooperative lands fire management, $1,636,000 for forest stewardship and $1,500,000 for urban and community forestry.

The managers agree to the following distribution of funds within economic action programs:

Forest products conservation and recovery	$1,000,000
Economic recovery	5,000,000
Rural development	4,800,000
Wood in transportation	1,200,000
Columbia River Gorge, economic grants to countries	2,500,000

The managers agree that $2,880,000 within rural development be allocated to the Northeast and Midwest, and that no funds are provided for economic diversification studies.

INTERNATIONAL FORESTRY

The managers agree that up to $4,000,000 of Forest Service funds may be utilized for purposes previously funded through the International Forestry appropriation. Domestic activities requiring international contacts will continue to be funded, as in the past, by the appropriate domestic benefiting program. The managers reiterate their expectations that the Service curtail foreign travel expenditures in light of budget constraints.

Operations formerly funded by International Forestry or other appropriations, other than research activities, of the International Institute of Tropical Forestry, Puerto Rico and the Institute of Pacific Islands Forestry, Hawaii may continue to be

funded as appropriate. As with other programs, it may be necessary to reduce funding for these institutes due to budget constraints. Research activities will be funded from the Forest Research appropriation.

The managers also expect the Forest Service to examine the best means to provide leadership in international forestry activities and meet essential representation and liaison responsibilities with foreign governments and international organizations, and agree that the Forest Service should not maintain a separate deputy chief for international forestry.

NATIONAL FOREST SYSTEM

Amendment No. 92: Appropriates $1,256,253,000 for the national forest system instead of $1,266,688,000 as proposed by the House and $1,247,543,000 as proposed by the Senate.

The net decrease below the House consists of reductions of $5,750,000 for recreation management, $1,750,000 for wilderness management, $435,000 for heritage resources, $1,750,000 for wildlife habitat management $1,000,000 for inland fish habitat management, $1,750,000 for threatened and endangered species habitat management; and increases of $1,000,000 for road maintenance, and $1,000,000 for facility maintenance.

The managers expect the land agencies to begin to rebuild and restore the public timber programs on national forests and BLM lands. With the modest increase in funding provided, the Forest Service is expected to produce 2.6 billion board feet of green sales. With enactment of the new salvage initiative (P.L. 104–19) in response to the emergency forest health situation, the agencies are expected to proceed aggressively to expedite the implementation of existing programmed salvage volumes, with the expectation that the Forest Service will produce an additional increment of 1.5 BBF over the expected sale program for fiscal year 1996. The managers expect a total fiscal year 1996 Forest Service sale accomplishment level of 5.6 BBF, and note that this is nearly half the level authorized for sale just five years ago. The Forest Service is to report timber sale accomplishments on the basis of net sawtimber sold and awarded to purchasers, and on the volume offered. Those regions of the country which sell products other than sawtimber should continue to report accomplishments in the same manner as used in the forest plans. The reports are to provide information on both green and salvage sales.

The managers encourage the Forest Service to use up to $350,000 to commission a third party field review of the environmental impacts and the economic efficiency of the emergency forest salvage program mandated by section 2001 of P.L. 104–19. The managers believe that funding such a review can be appropriately undertaken through the timber salvage sale fund.

The managers note the difference between the House and Senate reports pertaining to tree measurement and timber scaling. The managers also note that House Report 103–551 specifically allows Forest Service managers to use scaling when selling salvage sales of thinnings. The managers expect the Forest Service to use fully the flexibility authorized in House Report 103–551 for rapidly deteriorating timber, and to use sample weight scaling for the sale of low value thinnings. Further, the managers direct the Forest Service to undertake a study to identify: (1) which measurement method is more cost efficient; (2) to assess what percent of timber theft cases involve scaling irregularities and whether tree measurement discourages timber theft; (3) which measurement method is more efficient when environmental modifications are needed after a sale has been awarded; and (4) assess the agency's ability to perform cruising required under tree measurement. The study will measure Forest Service performance based on Forest Service Handbook cruise standards, including identifying how often uncertified employees are involved in cruise efforts. The Forest Service shall contact with an established independent contractor skilled in both cruising and scaling and report back to the Committees no later than March 1, 1996.

The conference agreement includes $400,000 for the development of a plan for preserving and managing the former Joliet Arsenal property as a National tallgrass prairie. The managers are aware of legislation to establish the Midewin National Tallgrass Prairie and Urge the Forest Service to take such steps as are necessary, including a reprogramming, to begin implementing the legislation when enacted. The managers also urge the Forest Service to seek full funding for the Midewin National Tallgrass Prairie as part of its fiscal year 1997 budget request.

The managers are concerned about the many programs in the President's Forest Plan designed to provide assistance to timber dependent communities in the Pacific Northwest. The managers are disturbed by the inability of the agencies involved to provide a detailed accounting of funds appropriated in previous fiscal years for the unemployed timber worker programs in the President's Forest Plan.

The managers expect the Secretary of the Interior and the Secretary of Agriculture to prepare a detailed accounting and report of the funds appropriated in fiscal year 1995 for the President's Forest plan. The report shall include a careful accounting of appropriated funding, including: funds appropriated for timber production; administrative expenses, including the number of Federal employees employed to administer the various aspects of the President's plan; funds appropriated for the various jobs programs allowed for under the President's plan, including but not limited to the Jobs in the Woods program; the number of individuals employed by these programs; and the average length of each job. The managers expected the Secretaries to submit the report to the Committees no later than March 31, 1996.

The managers are concerned that the Forest Service reallocates funding pursuant to reprogramming requests before they are transmitted to Congress. The managers direct the Forest Service to adhere to the reprogramming guidelines, and not reallocate funds until the Appropriations Committees have had an opportunity to review these proposals.

The managers believe that additional opportunities exist for contracting Forest Service activities, and encourage expanding the use of contractors wherever possible.

The managers are aware that suggestions have been made to withdraw administratively additional lands in Montana in order to prevent timber and oil and gas development. It is the understanding of the managers that wilderness designation for Federal lands can only be accomplished legislatively. However, the Forest Service does have the ability to designate the management of its lands through the forest planning process. The managers expect the Forest Service to comply with existing statutory and regulatory requirements in the management of National forest system lands. Where appropriate, proposed changes in land management practices should be implemented involving public participation and scientific analysis in the land management planning process, including plan amendments as necessary.

WILDLAND FIRE MANAGEMENT

Amendment No. 93: Changes the account title to Wildland Fire Management as proposed by the Senate; instead of Fire Protection and Emergency Suppression as proposed by the House.

Amendment No. 94: Appropriates $385,485,000 for wildland fire management as proposed by the House instead of $381,485,000 as proposed by the Senate.

CONSTRUCTION

Amendment No. 95: Appropriates $163,500,000 for construction, instead of $120,000,000 as proposed by the House and $186,888,000 as proposed by the Senate.

The increase above the House includes $23,500,000 for facilities, $5,000,000 for road construction, and $15,000,000 for trail construction. Within the total for facilities, the conference agreement includes $36,000,000 for recreation, $10,000,000 for FA&O, and $2,500,000 for research.

The managers agree to the following earmarks within recreation construction:

Allegheny NF, rehabilitation	$150,000
Bead Lake, WA, boating access	60,000
Bead Lake, WA, roads	176,000
Columbia River Gorge Discovery Center, OR, completion	2,500,000
Cradle of Forestry, NC, utilities	500,000
Daniel Boone NF, KY, rehabilitation	660,000
Gum Springs Recreation Area, LA, rehabilitation phase II	400,000
Johnston Ridge Observatory, WA	500,000
Johnston Ridge Observatory, WA, roads	550,000
Lewis and Clark Interpretive Center, MT, completion	2,700,000
Multnomah Falls, OR, sewer system	190,000
Northern Great Lakes Visitor Center, WI	1,965,000
Seneca Rocks, WV visitor center, completion	1,400,000
Timberline Lodge, OR, water system improvements and new reservoir	750,000
Winding Stair Mountain National Recreation and Wilderness Area, OK, improvements	682,000

The managers agree that for the Northern Great Lakes Visitor Center, WI, funding is provided with the understanding that the project cost is to be matched 50% by the State of Wisconsin.

The conference agreement includes $95,000,000 for roads to be allocated as follows: $57,000,000 for timber roads, $26,000,000 for recreation roads, and $12,000,000 for general purpose roads.

The managers remain interested in Forest Service plans for restoring Grey Towers, and are concerned about the cost of the project. The managers expect the Forest Service to continue the implementation of the master plan for Grey Towers and to explore additional partnerships that can help cost-share required restoration work. The Forest Service should work with the Committees to provide a better understanding of the needs of Grey Towers and explore ways to reduce the cost to the Federal government.

The managers concur in the reprogramming request currently pending for Johnston Ridge Observatory and Timberline Lodge sewer system.

Amendment No. 96: Earmarks $2,500,000 and unobligated project balances for a grant to

the "Non-Profit Citizens for the Columbia Gorge Discovery Center," and authorizes the conveyances of certain land, as proposed by the Senate. The House included no similar provision.

Amendment No. 97: Includes Senate provision which authorizes funds appropriated in 1991 for a new research facility at the University of Missouri, Columbia, to be available as a grant for construction of the facility, and provides that the Forest Service shall receive free space in the building. The House had no similar provision.

LAND ACQUISITION

Amendment No. 98: Appropriates $41,200,000 instead of $14,600,000 as proposed by the House and $41,167,000 as proposed by the Senate. The $41,200,000 includes $7,500,000 for acquisition management, $2,000,000 for emergency and in holding purchases, $1,000,000 for wilderness protection, $1,725,000 for cash equalization of land exchanges, and $28,975,000 for land purchase.

Amendment No. 99: Strikes Senate earmark for Mt. Jumbo.

Amendment No. 100: Strikes Senate earmark for Kane Experimental Forest.

The managers expect that any movement of acquisition funds from one project to another regardless of circumstances must follow normal reprogramming guidelines. The managers have deleted all references to specific earmarkings included in the Senate report.

The managers continue to encourage strongly the use of land exchanges as a way in which to protect important recreational or environmentally significant lands, in lieu of the Federal Government acquiring lands. The managers believe that land exchanges represent a more cost-effective way in which to do business and encourage the Forest Service to give high priority to those exchanges either nearing completion, or where land management decisions are made particularly difficult due to checkerboard ownership.

The managers are concerned about the long history of problems associated with the implementation of land acquisition provisions in the Columbia River Gorge National Scenic Act. To date, nearly $40 million has been spent on land acquisitions in the Gorge, and the Forest Service estimates that nearly $20–$30 million in remaining land is left to be acquired. The Gorge Act authorizes land exchanges in the area, and while several exchanges have been completed, a substantial number of acres remain to be acquired to fulfill the purposes of the Scenic Act. The managers strongly support the use of land exchanges versus land acquisitions. The managers understand that the Forest Service has the existing statutory authority to conduct land exchanges in the Scenic Area, including tripatrite land-for-timber exchanges.

The managers encourage the Forest Service to enter into land exchanges, including tripartite land exchanges, with willing land owners in the Gorge to diminish the need for future acquisitions.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Amendment No. 101: Retains Senate provision which prohibits any reorganization without the consent of the appropriations and authorizing committees and adds a provision exempting the relocation of the Region 5 regional offices from the requirement to obtain the consent of the authorizing and appropriations committees. The House had no similar provision.

The managers are concerned that the Forest Service is being required to move the Regional Office in Atlanta, Georgia from its present location to a new Federal Center in downtown Atlanta at greatly increased costs. At the same time, accessibility for both the public and employees will be made more difficult. Requiring the Forest Service to absorb increased costs for no increase in effectiveness or efficiency is not acceptable. The managers agree that any relocation of the Atlanta office can occur only pursuant to the bill language restrictions which require the advance approval of the authorizing and appropriations committees. This will allow the committees the opportunity to examine closely the costs and benefits of any such proposal, and require the Administration to justify fully any additional expenditures.

Amendment No. 102: Includes Senate provision which adds the Committee on Energy and Natural Resources to the list of committees which must approve reorganizations pursuant to amendment No. 101. The House had no similar provision.

Amendment No. 103: Includes the Senate provision which adds the Committee on Resources to the list of committees which must approve reorganizations pursuant to amendment No. 101. The House had no similar provision.

Amendment No. 104: Modifies Senate provision by deleting the prohibition on changes to the appropriations structure without advance approval of the Appropriations Committees, and substituting language allowing the relocation of the Region 5 regional office to Mare Island in Vallejo, CA, subject to the existing reprogramming guidelines. The House had no similar provision.

The conference agreement includes bill language which provides authority to finance costs associated with the relocation of the Region 5 regional office to excess military property at Mare Island Naval Shipyard at Vallejo, CA, from any Forest Service account. However, the managers expect a reprogramming request which justifies the relocation and identifies the source of funds to be used before funds are reallocated for this purpose. The allocation of other regions are not to be reduced in order to finance the move.

Amendment No. 105: Retains House language stricken by the Senate providing that 80 percent of the funds for the "Jobs in the Woods" program for National Forest land in the State of Washington be granted to the State Department of Fish and Wildlife. The Senate had no similar provision.

Amendment No. 106: Deletes House provision relating to songbirds on the Shawnee NF. The Senate had no similar provision.

Amendment No. 107: Deletes Senate provision which prohibits revision or implementation of a new Tongass Land Management Plan. The House had no similar provision.

Amendment 108: Deletes Senate provision requiring the implementation of the Tongass Land Management Plan (TLMP), Alternative P and replaces it with a requirement that the Tongass Land Management Plan in effect on December 7, 1995 remain in effect through fiscal year 1997. During fiscal years 1996 and 1997, the managers require the Secretary to maintain at least the number of acres of suitable available and suitable scheduled timber lands, and Allowable Sale Quantity as in Alternative P. The Secretary may continue the TLMP revision process, including preparation of the final EIS and Record of Decision, but is not authorized to implement the Record of Decision before October 1, 1997.

The conference agreement also includes language which allows a change in the offerees or purchasers of one or more timber sales that have already complied with the National Environmental Protection Act (NEPA) and the Alaska National Interest Lands Conservation Act (ANILCA). This language intends that when the Forest Service determines that additional analysis under NEPA and ANILCA is not necessary, the change of offerees or purchasers for whatever reason (including termination of a long term timber sale contract) shall not be considered a "significant new circumstance" under NEPA or ANILCA and shall not be a reason under other law for the sale or sales not to proceed.

The House had no similar provision.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

Amendment No. 110: Appropriates $417,169,000 for fossil energy research and development instead of $379,524,000 as proposed by the House and $376,181,000 as proposed by the Senate. The amendment also provides for the transfer of authority for health and safety research in mines and the mineral industry from the Bureau of Mines (see amendment No. 47). Changes to the amount proposed by the House for coal research include an increase of $2,000,000 for Kalina cycle testing and decreases of $1,500,000 in coal preparation research, $1,650,000 for HRI proof of concept testing and $1,000,000 for bench scale research in the direct liquefaction program, $1,000,000 for in house research in the high efficiency integrated gasification combined cycle program, $500,000 for filters testing and evaluation in the high efficiency pressurized fluidized bed program, and $300,000 for international program support and $1,000,000 for university coal research in advanced research and technology development. Changes to the amount proposed by the House for oil technology research include increases of $1,500,000 for a data repository, $250,000 for the gypsy field project and $250,000 for the northern midcontinent digital petroleum atlas in exploration and supporting research, and decreases of $1,000,000 for the National laboratory/industry partnership and $1,000,000 for extraction in exploration and supporting research, $2,000,000 for the heavy oil/unconsolidated Gulf Coast project in the recovery field demonstrations program, and $1,100,000 as a general reduction to the processing research and downstream operations program. Changes to the amount proposed by the House for natural gas research include decreases of $440,000 for conversion of natural gases to liquid fuels, $130,000 for the international gas technology information center and $30,000 for low quality gas upgrading in the utilization program and $1,000,000 for the advanced concepts/tubular solid oxide fuel cell program. Other changes to the House recommended level include increases of $40,000,000 for health and safety research ($35 million) and materials partnerships ($5 million) which are being transferred from the Bureau of Mines, $6,295,000 for cooperative research and development and $5,000,000 for program direction at the energy technology centers and a decrease of $4,000,000 for environmental restoration.

The funds provided for cooperative research and development include $295,000 for technical and program management support and $3,000,000 each for the Western Research Institute and the University of North Dakota Energy and Environmental Research Center. Within the funds provided for WRI and UNDEERC, the managers agree that a percentage comparable to the fiscal year 1995 rate may be used for the base research program, and the balance is to be used for the jointly sponsored research program.

The managers have included an increase of $5,000,000 for program direction, which is $1,000,000 less than recommended in the Senate bill. The managers expect the Department to allocate these funds commensurate with the program distributions in this bill. The various program and support functions of the field locations should continue to be funded out of the same line-items as in fiscal year 1995.

The managers are aware of proposals regarding the future field office structure of the fossil energy program. The managers take no position on the specifics of the various aspects of the strategic realignment initiative at this time as many of the details are not yet available. The managers expect the Department to comply fully with the reprogramming guidelines before proceeding with implementation of any reorganization or relocation. The managers are concerned about the basis for estimated savings, personnel impacts, budget changes, transition plans, and how any proposed integration will address market requirements and utilization.

In any proposal to privatize the National Institute for Petroleum and Energy Research (NIPER), the Department should seek competitively a non-Federal entity to acquire NIPER and to make such investments and changes as may be necessary to enable the private entity to perform high-value research and development services and compete with other organizations for private and public sector work. In the interim, to the extent the program level for oil technology allows, the Department is encouraged to maintain as much of the program at NIPER as possible.

With respect to the functions of the Bureau of Mines which have been transferred to the Department of Energy, the managers expect the Department to continue to identify the resources being allocated for these purposes and not to subsume these functions into other budget line-items within the fossil energy account. The Secretary should maintain the transferred functions and personnel at their current locations. In fiscal year 1996, any staffing reductions required to accommodate the funding level provided for health and safety research should be taken from within this activity and should not affect any other elements of the fossil energy research and development organization. Likewise, any additional or vacant positions which are required for the health and safety research function should be filled with Bureau of Mines employees who are subject to termination or reduction-in-force. The managers strongly encourage the Administration, and particularly the Office of Management and Budget, to work toward consolidating these health and safety functions in the same agency with either the Mine Safety and Health Administration or the National Institute for Occupational Safety and Health.

The managers do not object to the use of up to $18,000,000 in clean coal technology program funds for administration of the clean coal program. The managers are concerned that a clean coal project was recently changed without addressing congressional concerns that were raised before and during the application review period. The managers expect the Secretary, to the extent possible, to ensure that the sulfur dioxide facility which was approved as part of the NOXSO clean coal project is constructed so as to begin operation when the elemental sulfur is available from the NOXSO process. The managers also expect the Department to report to the legislative committees of jurisdiction as well as the Appropriations Committees in the House and Senate on the rationale for approving the construction of a sulfur dioxide plant as part of the NOXSO project. As the remaining projects in the clean coal program proceed, the Department should focus on technologies that relate directly to the objectives of the program.

Amendment No. 111: Deletes language inserted by the Senate requiring that any new project start be substantially cost-shared with a private entity. The House had no similar provision. The managers expect the Department to make every effort to increase the percentage of non-Federal cost-sharing in its research and development projects.

NAVAL PETROLEUM AND OIL SHALE RESERVES

Amendment No. 112: Appropriates $148,786,000 for the Naval petroleum and oil shale reserves instead of $151,028,000 as proposed by the House and $136,028,000 as proposed by the Senate.

Amendment No. 113: Repeals the restriction on conducting studies with respect to the sale of the Naval petroleum and oil shale reserves as proposed by the Senate. The House had no similar provision.

ENERGY CONSERVATION

Amendment No. 114: Appropriates $553,293,000 for energy conservation instead of $556,371,000 as proposed by the House and $576,976,000 as proposed by the Senate. Changes to the amount proposed by the House for the buildings program include increases of $150,000 for the foam insulation project in the building envelope program, $100,000 for lighting and appliance collaboratives in commercial buildings in the building equipment program and $1,140,000 for energy efficiency standards for Federal buildings in the codes and standards program, and decreases of $400,000 for residential buildings/building America, $3,000 for residential energy efficiency/climate change action plan, and $1,500,000 for partnership America/climate change action plan in building systems; $150,000 as a general reduction to materials and structures in building envelope; $450,000 as a general reduction to lighting and $100,000 for appliance technology introduction partnerships/climate change action plan in building equipment; and $3,060,000 as a general reduction to the codes and standards program, consistent with the moratorium on issuing new standards (see amendment No. 157).

Changes to the amount proposed by the House for the industry program include an increase of $3,000,000 in industrial wastes to maintain the NICE3 program at the fiscal year 1995 level and decreases of $300,000 for combustion in the municipal solid waste program, $1,000,000 as a general reduction to the metals initiative in the materials and metals processing program with the expectation that none of the reduction is to be applied to the electrochemical dezincing project, $200,000 as a general reduction for alternative feedstocks and $700,000 as a general reduction for process development in the other process efficiency program, and $2,000,000 for environmental technology partnerships in implementation and deployment.

Changes to the amount proposed by the House for the transportation program include increases of $990,000 for metal matrix composites in vehicle systems materials; $200,000 for turbine engine technologies, $200,000 for the ceramic turbine engine demonstration project, $4,500,000 for automotive piston technologies, and $612,000 for combustion and emissions research and development in heat engine technologies; and $16,228,000 for on-board hydrogen proton exchange membrane fuel cells and $2,900,000 for fuel cell research and development in electric and hybrid propulsion development. Decreases from the House include $1,200,000 for fuel cells/battery materials and $500,000 as a general reduction in materials technology; $1,000,000 as a general reduction in vehicle systems materials; $6,462,000 as a general reduction to light duty engine technologies in the heat engine technologies program; and $500,000 for battery development, $1,000,000 to terminate the phosphoric acid fuel cell bus program and $15,528,000 as a general reduction for fuel cell development in the electric and hybrid propulsion development program.

Changes to the amount proposed by the House for the technical and financial assistance program include an increase of $3,250,000 for the weatherization assistance program and a decrease of $295,000 for the inventions and innovations program.

The managers have agreed to the Senate bill language restricting the issuance of new or amended standards in the codes and standards program (see amendment Nos. 156 and 157).

The managers agree that:

1. The Department should aggressively pursue increased cost sharing;

2. Projects that prove to be uneconomical or fail to produce desired results should be terminated;

3. The fiscal year 1997 budget should continue the trend of program downsizing with the focus on completing existing commitments;

4. Ongoing programs should not be grouped under the umbrella of large initiatives and described as new programs in the budget;

5. There should be no new program starts without compelling justification and identified funding offsets;

6. The home energy rating system pilot program should be continued with the existing pilot States; within the funds available for HERS, the managers expect the Department to work with Mississippi and other non-pilot program States on the States' home energy rating system;

7. There is no objection to continuing the student vehicle competition in the transportation program at the current year funding level;

8. The Department should work with the States to determine what other programs should be included in a block grant type program along with the consolidated State energy conservation program/institutional conservation program;

9. There is no objection to continuing the interagency agreement with the Department of Housing and Urban Development for public assisted housing and other low-income initiatives to the extent that HUD reimburses the Department for this work;

10. The Office of Industrial Technologies may procure capital equipment using operating funds, subject to the existing reprogramming guidelines;

11. The Department should work with the Office of Management and Budget and the General Services Administration to ensure that agencies fund energy efficiency improvements in Federal buildings;

12. The Department should increase private sector investment through energy savings performance contracts in the Federal energy management program and should develop mechanisms to be reimbursed for these efforts;

13. The Department should submit a new five year program plan for the transportation program in light of current funding constraints; and

14. There are no specific restrictions on the number of contracts to be let for the long term battery development effort or activities within the electric and hybrid vehicle program. Given the level of funding provided, the Department should examine carefully its options in these areas in close coordination with its industry cooperators.

Amendment No. 115: Earmarks $140,696,000 for State energy grant programs instead of $148,946,000 as proposed by the House and $168,946,000 as proposed by the Senate.

Amendment No. 116: Earmarks $114,196,000 for the weatherization assistance program instead of $110,946,000 as proposed by the House and $137,446,000 as proposed by the Senate.

Amendment No. 117: Earmarks $26,500,000 for the State energy conservation program as proposed by the House instead of $31,500,000 as proposed by the Senate.

ECONOMIC REGULATION

Amendment No. 118: Appropriates $6,297,000 for economic regulation as proposed by the House instead of $8,038,000 as proposed by the Senate.

The managers agree that the Office of Hearings and Appeals should receive reimbursement for work other than petroleum overcharge cases and related activities as recommended by the House.

ENERGY INFORMATION ADMINISTRATION

Amendment No. 119: Appropriates $72,266,000 for the Energy Information Administration $79,766,000 as proposed by the House and $64,766,000 as proposed by the Senate. The managers expect the reduction to be applied largely to EIA's forecasting efforts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Amendment No. 120: Appropriates $1,747,842,000 for Indian health services instead of $1,725,792,000 as proposed by the House and $1,815,373,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of $25,000,000 to offset partially the fixed cost increase for health care providers, $1,500,000 for collections and billings, $750,000 for epidemiology centers, $200,000 for the Indians into Psychology program, and decreases of $2,000,000 for Indian health professionals, $3,000,000 for tribal management, and a $400,000 transfer from hospitals and clinics to facilities and environmental health support. The managers direct that the $25,000,000 provided for fixed cost increases be distributed on a pro-rata basis across all activities in the Indian health services and Indian health facilities accounts.

Amendment No. 121: Earmarks $350,564,000 for contract medical care as proposed by the Senate instead of $351,258,000 as proposed by the House.

The managers agree that the Indian Self Determination Fund is to be used only for new and expanded contracts and that this fund may be used for self-governance compacts only to the extent that a compact assumes new or additional responsibilities that had been performed by the IHS.

The managers agree that the fetal alcohol syndrome project at the University of Washington should be funded at the fiscal year 1995 level.

The managers are concerned about the adequacy of health care services available to the Utah Navajo population, and urge IHS to work with the local health care community to ensure that the health care needs of the Utah Navajos are being met. IHS should carefully consider those needs in designing a replacement facility for the Montezuma Creek health center.

INDIAN HEALTH FACILITIES

Amendment No. 122: Appropriates $238,958,000 for Indian health facilities instead of $236,975,000 as proposed by the House and $151,227,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of $750,000 for the Alaska medical center, $1,000,000 for modular dental units, $500,000 for injury prevention, $400,000 for a base transfer from hospitals and clinics, and a decrease of $667,000 for the Fort Yuma, AZ project.

The managers agree to delay any reprogramming of funds from the Winnebago and Omaha Tribes' health care facility. However, given current budget constraints, if issues relative to the siting and design of the facility cannot be resolved, the managers will consider reprogramming these funds to other high priority IHS projects during fiscal year 1996.

The Talihina, OK hospital is ranked sixth on the IHS health facilities priority list for inpatient facilities. The Choctaw Nation has developed a financing plan for a replacement facility. The Choctaw Nation proposes various funding sources to support its project for a community based hospital. The managers direct IHS to work with the Choctaw Nation to identify resources necessary to staff, equip, and operate the newly constructed facility. The managers will consider these operational needs in the context of current budget constraints.

The managers have not agreed to provisions in the Senate bill requiring the IHS to prepare reports on the distribution of Indian Health Service professionals and on HIV-AIDS prevention needs among Indian tribes. While the managers agree that closer examination of these topics may be warranted, the resources necessary to conduct adequate studies are not available at this time.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

Amendment No. 123: Appropriates $52,500,000 as proposed by the House instead of $54,660,000 as proposed by the Senate.

The managers agree that no funding is provided for the National Advisory Council on Indian Education.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

Amendment No. 124: Appropriates $20,345,000 for the Office of Navajo and Hopi Indian Relocation as proposed by the Senate instead of $21,345,000 as proposed by the House.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Amendment No. 125: Appropriates $308,188,000 for Salaries and Expenses instead of $309,471,000 as proposed by the House and $307,988,000 as proposed by the Senate.

The $200,000 increase is provided for the Center for folklife programs specifically for the 1996 Festival of American Folklife featuring the State of Iowa. This amount is provided in addition to the $400,000 base funding. The State of Iowa will contribute $250,000 toward this effort.

Amendment No. 126: Earmarks $30,472,000 as proposed by the Senate instead of $32,000,000 proposed by the House for the instrumentation program, collections acquisition and various other programs.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

Amendment No. 127: Appropriates $3,250,000 for zoo construction as proposed by the Senate instead of $3,000,000 as proposed by the House. The increase is limited to repairs and rehabilitation and is not to be used for new exhibits or expansions.

REPAIR AND RESTORATION OF BUILDINGS

Amendment No. 128: Appropriates $33,954,000 for repair and restoration of buildings as proposed by the Senate instead of $24,954,000 as proposed by the House.

CONSTRUCTION

Amendment No. 129: Appropriates $27,700,000 for construction as proposed by the Senate instead of $12,950,000 as proposed by the House. The managers agree that $15,000,000 is included for the National Museum of the American Indian Cultural Resource Center, $8,700,000 is included to complete the construction and equipping of the Natural History East Court Building and $3,000,000 is for minor construction, alterations and modifications.

The managers are providing $1,000,000 to be used to complete a proposed master plan and initiate detailed planning and design to allow for the development of a proposed financial plan for the proposed extension at Dulles Airport for the Air and Space Museum. The managers expect that the financial plan shall specify, in detail, the phasing of the project and commitments by the Commonwealth of Virginia and the Smithsonian toward construction and operation of the facility.

The managers agree that no Federal funds, beyond the costs of planning and design, will be available for the construction phase of this project.

The managers have provided $15,000,000 for the continued construction of the National Museum of the American Indian Cultural Resource Center in Suitland, Maryland. This amount will bring the Federal contribution to date for this project to $40,900,000. The managers have agreed that no additional Federal funds will be appropriated for this project.

The managers also strongly encourage the Smithsonian to develop alternative cost scenarios for the proposed National Museum of the American Indian Mall Museum including downsizing of the building and decreasing the amount of Federal funding.

Amendment No. 130: The managers agree to concur with the Senate amendment which strikes the House provision permitting a single procurement for construction of the American Indian Cultural Resources Center. The managers understand that authority provided previously for such purposes is sufficient.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

Amendment No. 131: Appropriates $51,844,000 for salaries and expenses as proposed by the Senate instead of $51,315,000 as proposed by the House.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

Amendment No. 132: Appropriates $6,442,000 for repair, restoration and renovation of buildings instead of $5,500,000 as proposed by the House and $7,385,000 as proposed by the Senate.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

Amendment No. 133: Appropriates $10,323,000 for operations and maintenance as proposed by the Senate, instead of $9,800,000 as proposed by the House.

Amendment No. 134: Includes Senate provision which amends 40 U.S.C. 193n to provide the Kennedy Center with the same police authority as the Smithsonian Institution and the National Gallery of Art. The House had no similar provision.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

Amendment No. 135: Appropriates $5,840,000 for the Woodrow Wilson International Center for Scholars instead of $5,840,000 as proposed by the House and $6,537,000 as proposed by the Senate.

The managers continue to have serious concerns about the total costs associated with the proposed move to the Federal Triangle building. Until such time as both the House and Senate Appropriations Committees' concerns are satisfactorily addressed, no funds may be used for this purpose.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

Amendment No. 136: Appropriates $82,259,000 for grants and administration as proposed by the House instead of $88,765,000 as proposed by the Senate.

Amendment No. 137: Deletes House language making NEA funding contingent upon passage of a House reauthorization bill. The Senate had no similar provision.

The managers on the part of the House continue to support termination of NEA within two years, and do not support funding beyond FY 1997. The managers on the part of the Senate take strong exception to the House position, and support continued funding for NEA. The managers expect this issue to be resolved by the legislative committees in the House and Senate.

MATCHING GRANTS

Amendment No. 138: Appropriates $17,235,000 for matching grants as proposed by the House instead of $21,235,000 as proposed by the Senate.

Amendment No. 139: Deletes House language making funding for NEA contingent upon passage of a House reauthorization bill.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

Amendment No. 140: Appropriates $94,000,000 for grants and administration as proposed by the Senate instead of $82,469,000 as proposed by the House.

The managers on the part of the House continue to support a phase out of NEH within three years, and do not support funding beyond FY 1998. The managers on the part of the Senate take strong exception to the House position, and support continued funding for NEH. The managers expect this issue to be resolved by the legislative committees in the House and Senate.

MATCHING GRANTS

Amendment No. 141: Appropriates $16,000,000 for matching grants as proposed by the Senate instead of $17,025,000 as proposed by the House.

Amendment No. 142: Earmarks $10,000,000 for challenge grants as proposed by the Senate instead of $9,180,000 as proposed by the House.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

Amendment No. 143: Appropriates $2,500,000 for salaries and expenses as proposed by the Senate instead of $3,063,000 as proposed by the House.

While the Advisory Council works closely with Federal agencies and departments, the National Park Service and State historic preservation officers, it does not have responsibility for designating historic properties, providing financial assistance, overriding other Federal agencies' decisions, or controlling actions taken by property owners.

The managers encourage those Federal agencies and departments which benefit from the Advisory Council's expert advice to assist in covering these costs. The managers are concerned that some Advisory Council activities may duplicate those conducted by other preservation agencies. Therefore, the managers direct the Advisory Council to evaluate ways to recover the costs of assisting Federal agencies and departments through reimbursable agreements and to examine its program activities to identify ways to eliminate any duplication with other agencies. The Advisory Council shall report its findings to the Congress by March 31, 1996.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

Amendment No. 144: Appropriates $147,000 as proposed by the Senate instead of $48,000 as proposed by the House.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

Amendment No. 145: Appropriates no funds as proposed by the Senate instead of $2,000,000 as proposed by the House.

PUBLIC DEVELOPMENT

Amendment No. 146: Modifies language proposed by the Senate allowing the use of prior year funding for operating and administrative expenses. The modification allows the use of prior year funding for shutdown costs in addition to operating costs. In addition, prior year funds may be used to fund activities associated with the functions transferred to the General Services Administration. The House had no similar provision.

The managers agree that not more than $3,000,000 in prior year funds can be used for operating, administrative expenses, and shutdown costs for the Pennsylvania Avenue Development Corporation. The managers direct that the orderly shutdown of the Corporation be accomplished within six months from the date of enactment of this Act. No staff should be maintained beyond April 1, 1996. The managers agree that Pennsylvania Avenue Development Corporation staff associated with the Federal Triangle project should be transferred to the General Services Administration, and provision for the transfer has been included in the Treasury-Postal Services Appropriations bill.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

Amendment No. 147: Appropriates $28,707,000 for the Holocaust Memorial Council as proposed by the House instead of $26,609,000 as proposed by the Senate.

Amendment No. 148: Restores language proposed by the House and stricken by the Senate providing that $1,264,000 for the Museum's exhibition program shall remain available until expended.

TITLE III—GENERAL PROVISIONS

Amendment No. 149: Retains Senate provision making a technical correction to Public Law 103-413.

Amendment No. 150: Includes Senate provision that any funds used for the Americorps program are subject to the reprogramming guidelines, and can only be used if the Americorps program is funded in the VA-HUD and Independent Agencies fiscal year 1996 appropriations bill. The House prohibited the use of any funds for the Americorps program.

Since the Northwest Service Academy (NWSA) is funded through fiscal year 1996, the managers agree that the agencies are not prohibited from granting the NWSA a special use permit, from using the NWSA to accomplish projects on agency-managed lands or in furtherance of the agencies' missions, or from paying the NWSA a reasonable fee-for-service for projects.

Amendment No. 151: Modifies House language stricken by the Senate transferring certain responsibilities from the Pennsylvania Avenue Development Corporation to the General Services Administration, National Capital Planning Commission, and the National Park Service. The modification transfers all unobligated and unexpended balances to the General Services Administration. The Senate had no similar provision.

Amendment No. 152: Modifies House and Senate provisions relating to the Interior Columbia River Basin ecoregion management project (the Project). The House and Senate contained different language on the subject, but both versions were clear in their position that the Project has grown too large, and too costly to sustain in a time of shrinking budgets. In addition, the massive nature of the undertaking, and the broad geographic scope of the decisions to be made as part of a single project has raised concerns about potential vulnerability to litigation and court injunctions with a regionwide impact. The language included in the conference report reflects a compromise between the two versions.

Subsection (b) appropriates $4,000,000 for the completion of an assessment on the National forest system lands and lands administered by the BLM within the area encompassed by the Project, and to publish two draft Environmental Impact Statements on the Project. The Forest Service and BLM should rely heavily on the eastside forest ecosystem health assessment in the development of the assessment and DEIS's, in particular, volume II and IV provide a significant amount of the direction necessary for the development of an ecosystem management plan. This document has already been peer reviewed and widely distributed to the public. Therefore, the collaborative efforts by many scientists can be recognized.

The two separate DEIS's would cover the project region of eastern Washington and Oregon, and the project region of Montana and Idaho, and other affected States. The language also directs project officials to submit the assessment and two DEIS's to the appropriate House and Senate committees for their review. The DEIS's are not decisional and not subject to judicial review. The managers have included this language based upon concern that the publication of DEIS's of this magnitude would present the opportunity for an injunction that would shut down all multiple use activities in the region.

The assessment shall contain a range of alternatives without the identification of a

preferred alternative or management recommendation. The assessment will also provide a methodology for conducting any cumulative effects analysis required by section 102(2) of NEPA, in the preparation of each amendment to a resource management plan.

The assessment shall also include the scientific information and analysis conducted by the Project on forest and rangeland health conditions, among other considerations, and the implications of the management of these conditions. Further, the assessment and DEIS's shall not be subject to consultation or conferencing under section 7 of the Endangered Species Act, nor be accompanied by any record of decision required under NEPA.

Subsection (c) states the objective of the managers that the district manager of the Bureau of Land Management or the forest supervisor of the Forest Service use the DEIS's as an information base for the development of individual plan amendments to their respective forest plan. The managers believe that the local officials will do the best plan in preparing plan amendments that will achieve the greatest degree of balance between multiple use activities and environmental protection.

Upon the date of enactment, the land managers are required to review their resource management plan for their forest, together with a review of the assessment and DEIS's, and based on that review, develop or modify the policies laid out in the DEIS or assessment to meet the specific conditions of their forest.

Based upon this review, subsection (c)(2) directs the forest supervisor or district manager to prepare and adopt an amendment to meet the conditions of the individual forest. In an effort to increase the local participation in the plan amendment process, the district manager or forest supervisor is directed to consult with the governor, and affected county commissioners and tribal governments in the affected area.

Plan amendments should be site specific, in lieu of imposing general standards applicable to multiple sites. If an amendment would result in a major change in land use allocations within the forest plan, such an amendment shall be deemed a significant change, and therefore requiring a significant plan amendment or equivalent.

Subsection (c)(5) strictly limits the basis for individual plan amendments in a fashion that the managers intend to be exclusive.

Language has been included to stop duplication of environmental requirements. Subsection (c)(6)(A) states that any policy adopted in an amendment that modifies, or is an alternative policy, to the general policies laid out in the DEIS's and assessment document that has already undergone consultation or conferencing under section 7 of the ESA, shall not again be subject to such provisions. If a policy has not undergone consultation or conferencing under section 7 of the ESA, or if an amendment addresses other matters, however, then that amendment shall be subject to section 7.

Amendments which modify or are an alternative policy are required to be adopted before October 31, 1996. An amendment that is deemed significant, shall be adopted on or before March 31, 1997. The policies of the Project shall no longer be in effect on a forest on or after March 31, 1997, or after an amendment to the plan that applies to that forest is adopted, whichever comes first.

The managers have included language specific to the Clearwater National Forest, as it relates to the provisions of this section. The managers have also included language to clarify that the documents prepared under this section shall not apply to, or be used to regulate non-Federal lands.

Amendment No. 153: Includes a modified version of provisions included by both the House and Senate relating to a recreational fee demonstration program. This pilot program provides for testing a variety of fee collection methods designed to improve our public lands by allowing 80 per cent of fees generated to stay with the parks, forests, refuges and public lands where the fees are collected. There is a tremendous backlog of operational and maintenance needs that have gone unmet, while at the same time visits by the American public continue to rise. The public is better served and more willing to pay reasonable user fees if they are assured that the fees are being used to manage and enhance the sites where the fees are collected.

Most of the provisions of the Senate amendment are incorporated into the amendment agreed to by the managers, which provides for the following:

(1) The maximum number of demonstration sites per agency is extended from 30 to 50.

(2) the time period for the demonstration is extended from one year to three years and these funds remain available for three years after the demonstration period ends.

(3) Agencies may impose a fine of up to $100 for violation of the authority to collect fees established by this program.

(4) The more simplified accounting procedures proposed by the Senate are adopted, such that fewer Treasury accounts need to be established than proposed by the House.

(5) In those cases where demonstrations had fee collections in place before this provision, fees above the amounts collected in 1995 (plus 4% annually) are to be used for the benefit of the collection site or on an agency-wide basis. The other fees collected will be treated like they are at non-demonstration sites, except funds withheld to cover fee collection costs for agencies other than the Fish and Wildlife Service will remain available beyond the fiscal year in which they are collected.

(6) For those Fish and Wildlife Service demonstrations where fees were collected in fiscal year 1995, the fees collected, up to the 1995 level (plus 4% annually), are disbursed as they were in 1995.

(7) The agencies have been provided more latitude in selecting demonstration sites, areas or projects. These demonstrations may include an entire administrative unit, such as a national park or national wildlife refuge where division into smaller units would be difficult to administer or where fee collections would adversely affect visitor use patterns.

(8) The Secretaries are directed to select and design the demonstration projects in a manner which will provide optimum opportunities to evaluate the broad spectrum of resource conditions and recreational opportunities on Federal lands, including facility, interpretation, and fish and wildlife habitat enhancement projects that enhance the visitor experience.

(9) Vendors may charge a reasonable mark-up or commission to cover their costs and provide a profit.

(10) Each Secretary shall provide the Congress a brief report describing the selected sites and free recovery methods to be used by March 31, 1996, and a report which evaluates the pilot demonstrations, including recommendations for further legislation, by March 31, 1999. The reports to Congress are to include a discussion of the different sites selected and how they represent the geographical and programmatic spectrum of recreational sites and habitats managed by the agencies. The diversity of fee collection methods and fair market valuation methods should also be explained.

(11) In order to maximize funding for start-up costs, agencies are encouraged to use existing authority in developing innovative implementation strategies, including cooperative efforts between agencies and local governments.

(12) Although the managers have not included the Senate amendment language regarding geographical discrimination on fees, the managers agree that entrance, tourism, and recreational fees should reflect the circumstances and conditions of the various States and regions of the county. In setting fees, consideration should be given to fees charged on comparable sites in other parts of the region or country. The four agencies are encouraged to cooperate fully in providing additional data on tourism, recreational use, or rates which may be required by Congress in addressing the fee issue.

(13) The managers request that the General Accounting Office conduct a study and report to the Appropriations Committees by July 31, 1996 on the methodology and progress made by the Secretaries to implement this section.

Amendment No. 154: Deletes House language relating to salvage timber sales in the Pacific Northwest, and substitutes language which makes a technical correction to the emergency salvage timber program, Sec. 2001(a)(2) of Public Law 104–19 that changes the ending date of the emergency period to December 31, 1996. This correction is necessary to conform to the expiration date in Sec. 2001(j). The Senate included no similar provision.

Amendment No. 155: Retains House language stricken by the Senate prohibiting the use of funds for the Mississippi River Corridor Heritage Commission.

Amendment No. 156: Deletes House language stricken by the Senate placing a moratorium on the issuance of new or amended standards and reducing the codes and standards program in the Department of Energy by $12,799,000 and inserts language regarding grazing at Great Basin National Park. The codes and standards issue is discussed under the energy conservation portion of this statement.

Amendment No. 157: Deletes language proposed by the House and stricken by the Senate and retains Senate alternative language providing for a one-year moratorium on new or amended standards by the Department of Energy. This issue is discussed under the energy conservation portion of this statement.

Amendment No. 158: Modifies House mining patent moratorium that was stricken and replaced by the Senate with fair market legislation for mining patents. The conference agreement continues the existing, straightforward moratorium on the issuance of mining patents that was contained in the fiscal year 1995 Interior and Related Agencies Appropriations Act.

The agreement further requires the Secretary of the Interior within three months of the enactment of this Act to file with the House and Senate Appropriations Committees and authorizing committees a plan which details how the Department will make a final determination on whether or not an applicant is entitled to a patent under the general mining laws on at least 90 percent of

such applications within five years of enactment of this Act, and take such actions as necessary to carry out such plan. The conference agreement does not intend for the final determination to presume final adjudication of the contesting of any applications which are deemed not entitled to a patent under the general mining laws.

In order to process patent applications in a timely manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application. The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

Amendment No. 159: Includes the Senate provision which prohibits funding for the Office of Forestry and Economic Development after December 31, 1995. The House had no similar provision.

Amendment No. 160: Retains language inserted by the Senate prohibiting redefinition of the marbled murrelet nesting area or modification to the protocol for surveying marbled murrelets. The House had no similar provision.

Amendment No. 161: Retains language inserted by the Senate authorizing the Secretary of the Interior to exchange land in Washington State with the Boise Cascade Corporation. The House had no similar language.

Amendment No. 162: Includes Senate provision which creates a new Timber Sales Pipeline Restoration Fund at the Departments of the Interior and Agriculture to partially finance the preparation of timber sales from the revenues generated from the section 318 timber sales that are released under section 2001(k) of Public Law 104-19. The House included no similar provision.

Amendment No. 163: Deletes language proposed by the Senate which would prohibit use of funds for travel and training expenses for the Bureau of Indian Affairs or the Office of Indian Education for education conferences or training activities.

The managers expect the Bureau of Indian Affairs and the Office of Indian Education to monitor carefully the funds used for travel and training activities. The managers are concerned about the cost of travel and training associated with national conferences attended by school board members or staff of schools funded by the Bureau of Indian Affairs. Because of the funding constraints faced by the Bureau, the managers expect that priority will be given to funding those activities which directly support accreditation of Bureau funded schools and covering costs associated with increased enrollment.

Amendment No. 164: Retains language inserted by the Senate prohibiting the award of grants to individuals by the National Endowment for the Arts except for literature fellowships, National Heritage fellowships and American Jazz Masters fellowships. The House had no similar provision.

Amendment No. 165: Includes Senate provision which delays implementation or enforcement of the Administration's rangeland reform program until November 21, 1995. The House included no similar provision.

Amendment No. 166: Strikes Senate section 331 pertaining to submission of land acquisition projects by priority ranking. Priorities should continue to be identified in the budget request and justifications.

Amendment No. 167: Includes Senate provision that makes three changes to existing law relating to tree spiking. Costs incurred by Federal agencies, businesses and individuals to detect, prevent and avoid damage and injury from tree, spiking, real or threatened, may be included as "avoidance costs" in meeting the threshold of $10,000 required for prosecution. The language doubles the discretionary maximum penalties for prison terms to 40 years for incidents resulting in the most severe personal injury. Those injured would have recourse to file civil suits to recover damages under this law. The House had no similar provision.

Amendment No. 168: Modifies Senate language restricting grants that denigrate adherents to a particular religion. The modification specifies that this restriction applies to NEA and incorporates Senate language from Amendment No. 169 restricting NEA grants for sexually explicit material. The House had no similar provision.

Amendment No. 169: Deletes Senate language restricting NEA grants for sexually explicit material. This issue is addressed in Amendment No. 168.

Amendment No. 170: Deletes language inserted by the Senate extending the scope of the Arts and Artifacts Indemnity Act. The House had no similar provision. The amendment also inserts language providing that former Bureau of Mines activities, which are being transferred to other accounts, are paid for from those accounts for all of fiscal year 1996 and changes a section number.

Amendment No. 171: Deletes language inserted by the Senate mandating energy savings at Federal facilities and inserts in lieu thereof language that keeps in place only the regulations and interim rules in effect prior to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87, 36 CFR 223 Subpart D, 36 CFR 223 Subpart F, and 36 CFR 261.6) governing the export of State and federal timber in the western United States. This language has been included so that the Administration, Congress and affected parties can have more time to address policy issues with respect to Public Law 101-382, the Forest Resources Conservation and Shortage Relief Act of 1990. The language prohibits the Secretary of Agriculture or the Secretary of the Interior from reviewing or making modifications to existing sourcing areas. The language prohibits either Secretary from enforcing or implementing regulations promulgated on September 8, 1995 at 36 CFR Part 223. The bill language also directs the Secretary of Commerce to continue the 100 percent ban on the export of logs that originate from Washington State-owned public lands.

The fiscal year 1996 Agriculture Appropriations Act includes language that delayed the implementation of the September 8, 1995 regulations for 120 days, and the managers have extended the prohibition to enforce or implement these regulations for the entire fiscal year. The managers direct the Secretary of Agriculture to continue to solicit public comments on the regulations issued on September 8, 1995 until February 29, 1996. Based, in part, upon a careful review of the public comments, the Secretary is directed to report to the appropriate committees of Congress, including the Appropriations Committees, on the following: Any changes in those regulations the Secretary proposes to make in response to public comments; the appropriations needed to administer and enforce the regulations; the expected cost of the regulations, and other effects on the private sector, including effects on competition for public and private timber and productivity of domestic timber processing facilities; and any recommendations from the Secretary to amend Public Law 101-382 in response to changing circumstances in the timber industry since 1990, when the law was enacted.

Amendment No. 172: Deletes Senate amendment requiring the Indian Health Service to prepare a report on the distribution of Indian Health Service professionals. The House had no similar provision. The conference agreement also inserts language providing for the continued general aviation use and operation on the National Park Service portion of Pearson Airfield in Vancouver, Washington until the year 2022 and for the creation and implementation of a transition plan from general aviation to historic aircraft. This provision is consistent with the Memorandum of Agreement entered into between the United States National Park Service and the City of Vancouver dated November 4, 1994. The managers are aware that legislation to provide a comprehensive partnership agreement for management of the Vancouver Historic Reserve is under consideration. This provision allows the City of Vancouver to develop the Pearson Museum pending completion of the Vancouver Historic Reserve legislation. This language shall not be construed to limit the authority of the Federal Aviation Administration over air traffic control or aviation activities at Pearson Airfield, nor to limit operation or airspace in the vicinity of the Portland International Airport.

Amendment No. 173: Deletes Senate language requiring the Indian Health Service to prepare a report on HIV-AIDS prevention needs, and inserts in lieu thereof a provision which allows the construction of a third telescope on Mount Graham, in the Coronado National Forest, Arizona, to proceed under the terms of the Arizona-Idaho Conservation Act of 1988, P.L. 100-696.

APPLICATION OF GENERAL REDUCTIONS

The level at which reductions shall be taken pursuant to the Deficit Reduction Act of 1985, if such reductions are required in fiscal year 1996, is defined by the managers as follows:

As provided for by section 256(1)(2) of Public Law 99-177, as amended, and for the purposes of a Presidential Order issued pursuant to section 254 of said Act, the term "program, project, and activity" for items under the jurisdiction of the Appropriations Subcommittees on the Department of the Interior and Related Agencies of the House of Representatives and the Senate is defined as (1) any item specifically identified in tables or written material set forth in the Interior and Related Agencies Appropriations Act, or accompanying committee reports or the conference report and accompanying joint explanatory statement of the managers of the committee of conference; (2) any Government-owned or Government-operated facility; and (3) management units, such as national parks, national forests, fish hatcheries, wildlife refuges, research units, regional, State and other administrative units and the like, for which funds are provided in fiscal year 1996.

The managers emphasize that any item for which a specific dollar amount is mentioned in an accompanying report, including all changes to the budget estimate approved by the Committees, shall be subject to a percentage reduction no greater or less than the percentage reduction applied to all domestic discretionary accounts.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1996 recommended

by the Committee of Conference, with comparisons to the fiscal year 1995 amount, the 1996 budget estimates, and the House and Senate bills for 1996 follow:

New budget (obligational) authority, fiscal year 1995	$13,519,230,000
Budget estimates of new (obligational) authority, fiscal year 1996	13,817,404,000
House bill, fiscal year 1996	11,984,603,000
Senate bill, fiscal year 1996	12,053,099,000
Conference agreement, fiscal year 1996	12,164,636,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1995	−1,354,594,000
Budget estimates of new (obligational) authority, fiscal year 1996	−1,652,768,000
House bill, fiscal year 1996	+180,033,000
Senate bill, fiscal year 1996	+111,537,000

RALPH REGULA,
JOSEPH M. MCDADE,
JIM KOLBE,
JOE SKEEN,
BARBARA F. VUCANOVICH,
CHARLES H. TAYLOR,
GEORGE R. NETHERCUTT, Jr.,
JIM BUNN,
BOB LIVINGSTON,
Managers on the Part of the House.

SLADE GORTON,
TED STEVENS,
PETE V. DOMENICI,
MARK O. HATFIELD,
CONRAD BURNS,
ROBERT F. BENNETT,
CONNIE MACK,
J. BENNETT JOHNSTON,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. OWENS) to revise and extend their remarks and include extraneous material:)

Mr. POSHARD, for 5 minutes, today.

Mr. MFUME, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. TATE) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes each day, on December 13, December 14, and December 15.

Mr. CUNNINGHAM, for 5 minutes each day, on December 14 and December 15.

Mr. TIAHRT, for 5 minutes today and each day, on December 13 and December 14.

Mr. RAMSTAD, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, on December 13.

Mr. LONGLEY, for 5 minutes each day, on December 14, December 15, and December 16.

Mr. WATTS of Oklahoma, for 5 minutes, today.

Mr. CHABOT, for 5 minutes, on December 13.

Mr. SMITH of New Jersey, for 5 minutes, on December 13.

Mr. MARTINI, for 5 minutes, on December 14.

Mr. RIGGS, for 5 minutes today and each day, on December 12 and December 14.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ANDREWS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOX of Pennsylvania, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mrs. CLAYTON.
Ms. DELAURO.
Mr. SKELTON.
Mr. SERRANO in two instances.
Mr. KENNEDY of Massachusetts.
Mr. MONTGOMERY.
Mrs. MEEK of Florida.
Mr. STOKES.
Mr. STARK in two instances.
Mr. MORAN.
Mr. ROEMER.
Mr. MENENDEZ.
Ms. ROYBAL-ALLARD.
Mr. FRANK of Massachusetts.
Mr. KENNEDY of Rhode Island.
Mr. LIPINSKI.
Mr. HAMILTON.
Ms. KAPTUR.

(The following Members (at the request of Mr. TATE) and to include extraneous matter:)

Mr. BONO.
Mr. KOLBE.
Mr. BURTON of Indiana.
Mr. DORNAN.
Mr. ROGERS.
Mr. WATTS of Oklahoma in two instances.
Mr. SMITH of New Jersey.
Mrs. VUCANOVICH.
Mr. WOLF.
Mr. LEACH.
Mr. GILMAN.
Ms. ROS-LEHTINEN.

(The following Members (at the request of Mr. PAYNE of New Jersey) and to include extraneous matter:)

Mr. UNDERWOOD
Mr. GINGRICH.
Mr. DEFAZIO.
Mr. PAYNE of New Jersey.
Mrs. FOWLER.
Mr. DOOLEY.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2076. An act making appropriations for the Departments of Commerce, Justice and State, the judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 790. An act to provide for the modification or elimination of Federal reporting requirements.

ADJOURNMENT

Mr. PAYNE of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 13, 1995, at 10 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 1747. A bill to amend the public Health Services Act to permanently extend and clarify malpractice coverage for health centers, and for other purposes; with amendments (Rept. 104–398). Referred to the Committee of the Whole House on the State of the Union.

Mr. Goss: Committee on Rules. House Resolution 296. Resolution providing for consideration of a motion to dispose of the remaining Senate amendments to the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–399). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 297. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes (Rept. 104–400). Referred to the House Calendar.

Mrs. JOHNSON of Connecticut: Committee on Standards of Official Conduct. Inquiry into various complaints filed against Representative Newt Gingrich (Rept. 104–401). Referred to the House Calendar.

Mr. REGULA: Committee on Conference. Conference report on H.R. 1977. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–402. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COBURN (for himself, Mr. GANSKE, Mr. GILCHREST, Mr. HOSTETTLER, Mr. HUTCHINSON, Mr. RAHALL, Mr. SMITH of New Jersey, Mr. WALSH, and Mr. WELDON of Florida:

H.R. 2757. A bill to amend title XVIII of the Social Security Act to require health maintenance organizations participating in the Medicare Program to assure access to out-of-network services to Medicare beneficiaries enrolled with such organizations; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUNNINGHAM:

H.R. 2758. A bill to amend title 49, United States Code, relating to required employment investigations of pilots; to the Committee on Transportation and Infrastructure.

By Mr. BONO:

H.R. 2759. A bill to prevent paid furloughs of Federal and District of Columbia employees during periods of lapsed appropriations; to the Committee on Government Reform and Oversight.

By Mr. DOYLE (for himself, Mr. MURTHA, Mr. MASCARA, Mr. KLINK, Mr. COYNE, Mr. BORSKI, Mr. CLINGER, Mr. ENGLISH of Pennsylvania, Mr. FATTAH, Mr. FOGLIETTA, Mr. FOX, Mr. GEKAS, Mr. GOODLING, Mr. GREENWOOD, Mr. HOLDEN, Mr. KANJORSKI, Mr. MCDADE, Mr. MCHALE, Mr. SHUSTER, Mr. WALKER, and Mr. WELDON of Pennsylvania):

H.R. 2760. A bill to name the nursing care center at the Department of Veterans Affairs medical center in Aspinwall, PA, as the "H. John Heinz, III Department of Veterans Affairs Nursing Care Center"; to the Committee on Veterans' Affairs.

By Mr. GREENWOOD (for himself and Mr. MCHALE:

H.R. 2761. A bill to amend the Internal Revenue Code of 1986 to provide an election for an overpayment in lieu of a basis increase where indebtedness secured by property has original issue discount and is held by a cash method taxpayer; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota:

H.R. 2762. A bill to require additional research prior to the promulgation of a standard for sulfate under the Safe Drinking Water Act, and for other purposes; to the Committee on Commerce.

By Mr. STUDDS (for himself, Mr. TORKILDSEN, Mr. MOAKLEY, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. KENNEDY of Massachusetts, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. MEEHAN, and Mr. BLUTE):

H.R. 2763. A bill to establish the Boston Harbor Islands National Recreation Area, and for other purposes; to the Committee on Resources.

By Mr. WELDON of Florida:

H.R. 2764. A bill to amend title 10, United States Code, to authorize veterans who are totally disabled as the result of a service-connected disability to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are authorized to travel on such aircraft; to the Committee on National Security.

By Mr. BUYER (for himself and Mr. SKELTON):

H. Res. 295. Resolution relating to the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina to enforce the peace agreement between the parties to the conflict in the Republic of Bosnia and Herzegovina; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER (for himself and Mr. SKELTON):

H. Res. 298. Resolution relating to the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina to enforce the peace agreement between the parties to the conflict in the Republic of Bosnia and Herzegovina; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. MCDERMOTT, Mr. CARDIN, Mr. GOSS, Ms. PELOSI, Mr. HOBSON, Mr. BORSKI, Mr. SCHIFF, and Mr. SAWYER):

H. Res. 299. Resolution to amend the Rules of the House of Representatives regarding outside earned income to the Committee on Rules.

By Mr. SENSENBRENNER:

H. Res. 300. Resolution providing for the expulsion of Representative Walter R. Tucker III, from the House; to the Committee on Standards of Official Conduct.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. SMITH of Texas introduced a bill (H.R. 2765) for the relief of Rocco A. Trecosta; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to the public bills and resolutions as follows:

H.R. 142: Mr. CALVERT.
H.R. 249: Mr. FILNER.
H.R. 294: Mr. MEEHAN.
H.R. 359: Mr. BONIOR.
H.R. 580: Mr. FAZIO of California.
H.R. 789: Mr. HOLDEN.
H.R. 864: Mr. LAUGHLIN.
H.R. 969: Mr. KLINK.
H.R. 1023: Mrs. THURMAN.
H.R. 1073: Mr. BARRETT of Wisconsin, Mr. MATSUI, and Mr. COYNE.
H.R. 1074: Mr. BARRETT of Wisconsin, Mr. MATSUI, and Mr. COYNE.
H.R. 1227: Mr. GREENWOOD.
H.R. 1416: Mr. COYNE and Mr. MENENDEZ.
H.R. 1458: Mr. OBERSTAR.
H.R. 1512: Mr. DOOLITTLE.
H.R. 1527: Mr. HASTINGS of Washington.
H.R. 1574: Mr. CHRYSLER.
H.R. 1656: Mr. KENNEDY of Massachusetts, Mr. MEEHAN, Mr. COOLEY, Ms. JACKSON-LEE, and Mrs. MALONEY.
H.R. 1684: Mr. MYERS of Indiana, Mr. GEJDENSON, and Mr. HINCHEY.
H.R. 1718: Mr. SHUSTER, Mr. GREENWOOD, Mr. FOGLIETTA, Mr. WALKER, Mr. WELDON of Pennsylvania, and Mr. GOODLING.
H.R. 1803: Mr. SCHIFF.
H.R. 1998: Mr. TALENT.
H.R. 2190: Mr. TALENT, Mr. BACHUS, and Mrs. CLAYTON.
H.R. 2245: Mr. COLEMAN.
H.R. 2326: Mr. HAMILTON.
H.R. 2435: Mrs. LOWEY.
H.R. 2458: Ms. ROYBAL-ALLARD, Mr. WYDEN, Mr. MARKEY, Mr. OBERSTAR, and Mrs. THURMAN.
H.R. 2463: Mr. HILLIARD and Mr. JEFFERSON.
H.R. 2529: Mr. PALLONE.
H.R. 2531: Mr. HOSTETTLER, Mr. WAMP, Mr. EHLERS, Mr. BURR, Mr. WELDON of Florida, Ms. PRYCE, Mr. CALVERT, and Mr. COOLEY.
H.R. 2540: Mr. CHRYSLER, Mr. COOLEY, Mr. PACKARD, Mr. WICKER, Mr. COBLE, Mr. FOLEY, and Mr. NORWOOD.
H.R. 2543: Mr. FOLEY, Mrs. MYRICK, Mr. BARCIA of Michigan, and Mr. CALVERT.
H.R. 2579: Mr. GENE GREEN of Texas, Mr. THOMPSON, Mr. JEFFERSON, Mr. GORDON, Mr. HINCHEY, Mr. BAKER of Louisiana, Mr. REED, and Mr. CRAPO.
H.R. 2582: Mr. SMITH of New Jersey.
H.R. 2597: Mr. BARR, Mr. KINGSTON, and Mr. MCDADE.
H.R. 2651: Mr. JACOBS and Mrs. THURMAN.
H.R. 2654: Mr. MEEHAN, Ms. LOFGREN, Mr. WYNN, Mr. FLAKE, Mrs. MINK of Hawaii, Ms. VELAZQUEZ, and Mr. BARRETT of Wisconsin.
H.R. 2664: Mr. FLAKE, Mr. BROWN of Ohio, Mr. ORTON, Mr. PAYNE of Virginia, Mr. MILLER of Florida, Mr. BLUTE, Ms. SLAUGHTER, and Mrs. MALONEY.
H.R. 2671: Mrs. LINCOLN, Mr. BALDACCI, Ms. RIVERS, Mr. SISISKY, Mr. ENGLISH of Pennsylvania, Mr. BARCIA, Mr. BISHOP, and Ms. DELAURO.
H.R. 2677: Mr. PETE GEREN of Texas, Mr. BREWSTER, Mr. DICKEY, Mr. HUTCHINSON, Mr. TAYLOR of North Carolina, Mr. RADANOVICH, and Mr. WELDON of Florida.
H.R. 2682: Mr. FLAKE, Mr. BOEHLERT, Mr. HINCHEY, and Mr. ENGEL.
H.R. 2691: Mr. DELLUMS, Mrs. SCHROEDER, Mr. SERRANO, Mr. HASTINGS of Florida, and Mr. COLEMAN.
H.R. 2694: Mr. GENE GREEN of Texas.
H.R. 2697: Mrs. MEEK of Florida, Ms. NORTON, Mr. FATTAH, Mr. BISHOP, Mr. OWENS, Miss COLLINS of Michigan, Ms. JACKSON-LEE, Mr. HILLIARD, Mr. LEWIS of Georgia, Mr. DELLUMS, and Mr. MORAN.
H.R. 2698: Mr. COOLEY.
H.R. 2723: Mr. CALVERT and Mr. COOLEY.
H.R. 2745: Ms. ROYBAL-ALLARD and Mr. REED.
H.J. Res. 127: Mr. BREWSTER, Mr. FRAZER, and Mr. CALVERT.
H. Con. Res. 102: Mr. DEFAZIO, Mr. FROST, and Mr. TORRICELLI.
H. Con. Res. 117: Mr. HUNTER, Mr. PORTER, Mr. BURTON of Indiana, and Ms. ESHOO.
H. Con. Res. 118: Mr. CALVERT, Mr. GILCHREST, Mr. BROWDER, Mr. MURTHA, Mr. HOLDEN, Mrs. FOWLER, and Mr. FOX.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 13. Page 15, beginning in line 5, strike "originating in Lincoln County, Nevada" insert "originating in Lincoln County, but staying outside of Clark County, Nevada".

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 14: Page 15, line 7, insert after the period the following: "The Secretary shall develop such corridor only (1)

with the approval of the Governor of each State in which the corridor is located, or (2) after consultation with each such Governor.".

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 15: Page 21, insert after line 18 the following:

(1) STATE FEE.—The State of Nevada may impose a fee on the transfer of high level radioactive waste and spent nuclear fuel by rail transportation or intermodal transfer in the State of Nevada. Such fee shall be imposed when the transfer of such waste and fuel crosses the State boundary.

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 16: Page 32, line 22, insert before the comma the following: "or if the State of Nevada has communicated to the Secretary its decision to not permit the construction of the repository at the Yucca Mountain site".

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 17: Page 66, insert after line 9 the following:

"(g) UNFUNDED MANDATES.—The provisions of the Unfunded Mandates Reform Act of 1995 and all amendments made by that Act shall apply to this Act and the Waste Fund shall be used to pay all of the costs incurred by State and local governments by reason of any Federal intergovernmental mandate contained in this Act. For purposes of this section the term 'Federal intergovernmental mandate' has the same meaning as when used in section 421 of title IV of the Congressional Budget and Impoundment Control Act of 1974."

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 18: Page 66, after line 9 insert the following:

"(g) PRIVATE PROPERTY.—

"(1) FEDERAL POLICY AND DIRECTION.—

"(A) GENERAL POLICY.—It is the policy of the Federal Government that no law or agency action with respect to the transportation, interim storage, or disposal of high-level radioactive waste should limit the use of privately-owned property so as to diminish its value.

"(B) APPLICATION TO FEDERAL AGENCY ACTION.—Each Federal agency, officer, and employee should exercise Federal authority to ensure that agency action with respect to the transportation, interim storage, or disposal of high-level radioactive waste will not limit the use of privately owned property so as to diminish its value.

"(2) RIGHT TO COMPENSATION.—

"(A) IN GENERAL.—The Federal Government shall compensate an owner of property whose use of any portion of that property has been limited by an agency action, under this Act relating to the transportation, interim storage, or permanent disposition of high-level radioactive waste, that diminishes the fair market value of that portion by 20 percent or more. The amount of the compensation shall equal the diminution in value that resulted from the agency action. If the diminution in value of a portion of that property is greater than 50 percent, at the option of the owner, the Federal Government shall buy that portion of the property for its fair market value.

"(B) DURATION OF LIMITATION ON USE.—Property with respect to which compensation has been paid under this subsection shall not thereafter be used contrary to the limitation imposed by the agency action, even if that action is later rescinded or otherwise vitiated. However, if that action is later rescinded or otherwise vitiated, and the owner elects to refund the amount of the compensation, adjusted for inflation, to the Treasury of the United States, the property may be so used.

"(3) EFFECT OF STATE LAW.—If a use is a nuisance as defined by the law of a State or is already prohibited under a local zoning ordinance, no compensation shall be made under this subsection with respect to a limitation on that use.

"(4) EXCEPTIONS.—

"(A) PREVENTION OF HAZARD TO HEALTH OR SAFETY OR DAMAGE TO SPECIFIC PROPERTY.—No compensation shall be made under this subsection with respect to an agency action the primary purpose of which is to prevent an identifiable—

"(i) hazard to public health or safety; or

"(ii) damage to specific property other than the property whose use is limited.

"(5) PROCEDURE.—

"(A) REQUEST OF OWNER.—An owner seeking compensation under this subsection shall make a written request for compensation to the Secretary of the Commission, as the case may be, whose action resulted in the limitation. No such request may be made later than 180 days after the owner receives actual notice of that agency action.

"(B) NEGOTIATIONS.—The Secretary of the Commission, as the case may be, may bargain with that owner to establish the amount of the compensation. If the agency and the owner agree to such an amount, the agency shall promptly pay the owner the amount agreed upon.

"(C) CHOICE OF REMEDIES.—If, not later than 180 days after the written request is made, the parties do not come to an agreement as to the right to and amount of compensation, the owner may choose to take the matter to binding arbitration or seek compensation in a civil action.

"(D) ARBITRATION.—The procedures that govern the arbitration shall, as nearly as practicable, be those established under title 9, United States Code, for arbitration proceedings to which that title applies. An award made in such arbitration shall include a reasonable attorney's fee and other arbitration costs (including appraisal fees). The agency shall promptly pay any award made to the owner.

"(E) CIVIL ACTION—An owner who does not choose arbitration, or who does not receive prompt payment when required by this section, may obtain appropriate relief in a civil action against the agency. An owner who prevails in a civil action under this section shall be entitled to, and the agency shall be liable for, a reasonable attorney's fee and other litigation costs (including appraisal fees). The court shall award interest on the amount of any compensation from the time of the limitation.

"(F) SOURCE OF PAYMENTS.—Any payment made under this section to an owner, and any judgment obtained by an owner in a civil action under this section shall, notwithstanding any other provision of law, be made from the Nuclear Waste Disposal Fund. If insufficent funds exist for the payment or to satisfy the judgment, it shall be the duty of the head of the agency to seek the appropriation of such funds for the next fiscal year.

"(6) LIMITATION.—Notwithstanding any other provision of law, any obligation of the United States to make any payment under this subsection shall be subject to the availability of appropriations.

"(7) DUTY OF NOTICE TO OWNERS.—Whenever an agency takes an agency action limiting the use of private property under this Act, the agency shall give appropriate notice to the owners of that property directly affected explaining their rights under this subsection and the procedures for obtaining any compensation that may be due to them under this subsection.

"(8) RULES OF CONSTRUCTION.—

"(A) EFFECT ON CONSTITUTIONAL RIGHT TO COMPENSATION.—Nothing in this subsection shall be construed to limit any right to compensation that exists under the Constitution or under other laws of the United States.

"(B) EFFECT OF PAYMENT.—Payment of compensation under this subsection (other than when the property is bought by the Federal Government at the option of the owner) shall not confer any rights on the Federal Government at the option of the owner) shall not confer any rights on the Federal Government other than the limitation on use resulting from the agency action.

"(9) DEFINITIONS.—For the purposes of this subsection—

"(A) The term 'property' means land and includes the right to use or receive water.

"(B) A use of property is limited by an agency action if a particular legal right to use that property no longer exists because of the action.

"(C) The term 'agency action' has the meaning given that term in section 551 of title 5, United States Code, but also includes the making of a grant to a public authority conditioned upon an action by the recipient that would constitute a limitation if done directly by the agency.

"(D) The term 'agency' has the meaning given that term in section 551 of title 5, United States Code.

"(E) The term 'fair market value' means the most probable price at which property would change hands, in a competitive and open market under all conditions requisite to a fair sale, between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of relevant facts, at the time the agency action occurs.

"(F) The term 'State' includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

"(G) The term 'law of the State' includes the law of a political subdivision of a State.".

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 19: Page 80, insert after line 25 the following:

SEC. 510. RISK ASSESSMENT AND COST-BENEFIT ANALYSIS.

"(a) COVERAGE.—This section does not apply to any of the following:

"(1) A situation that the Secretary or the Commission, as the case may be, determines to be an emergency. In such circumstance, the Secretary or the Commission, as the case may be, shall comply with the provisions of this subsection within as reasonable a time as it is practical.

"(2) Activities necessary to maintain military readiness.

"(b) UNFUNDED MANDATES.—Nothing in this section itself shall, without Federal funding and further Federal agency action, create my new obligation or burden on any State or local government or otherwise impose any financial burden on any State or local government in the absence of Federal funding, except with respect to routine information requests.

"(c) DEFINITIONS.—For purposes of this section:

"(1) COSTS.—The term 'costs' includes the direct and indirect costs to the United States Government, to State, local, and tribal governments, and to the private sector, wage earners, consumers, and the economy, of implementing and complying with a rule or alternative strategy.

"(2) BENEFIT.—The term 'benefit' means the reasonably identifiable significant health, safety, environmental, social and economic benefits that are expected to result directly or indirectly for implementation of a rule or alternative strategy.

"(3) MAJOR RULE.—The term 'major rule' means any regulation that is likely to result in an annual increase in costs of $25,000,000 or more. Such term does not include any regulation or other action taken by an agency to authorize or approve any individual substance or product.

"(4) EMERGENCY.—The term 'emergency' means a situation that is immediately impending and extraordinary in nature, demanding attention due to an condition, circumstance, or practice reaonsably expected to cause death, serious illness, or severe injury to humans, or substantial endangerment to private property or the environment if no action is taken.

"(d) AVAILABILITY OF INFORMATION AMONG FEDERAL AGENCIES.—The Secretary and the Commission shall make existing databases and information developed under this section available to other Federal agencies, subject to applicable confidentiality requirements, for the purpose of meeting the requirements of this section. Within 15 months after the date of enactment of this section, the President shall issue guidelines for the Secretary of the Commission to comply with this section.

"(e) EFFECTIVE DATE: APPLICABILITY; SAVINGS PROVISIONS.—

"(1) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, the provisions of this section shall take effect 18 months after the date of enactment of this section.

"(2) APPLICABILITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (C), this title applies to all significant risk assessment documents and significant risk characterization documents, as defined in subparagraph (B).

"(B) DEFINITIONS.—

"(i) SIGNIFICANT RISK ASSESSMENT DOCUMENT, SIGNIFICANT RISK CHARACTERIZATION DOCUMENT.—As used in this section, the terms 'significant risk assessment document' and 'significant risk characterization document' include, at a minimum, risk assessment documents or risk characterization documents prepared by or on behalf of a covered Federal agency in the implementation of a regulatory program designed to protect human health, safety, or the environment, used as a basis for one of the items referred to in clause (ii), and included by the agency in that item or inserted by the agency in the administrative record for that item.

"(ii) INCLUDED ITEMS.—The items referred to in clause (i) are the following: Any proposed or final major rule, including any analysis or certification promulgated as part of any Federal regulatory program designed to protect human health, safety, or the environmental clean-up plan for a facility or Federal guidelines for the issuance of any such plan. As used in this clause, the term 'environmental clean-up' means a corrective action under the Solid Waste Disposal Act, a removal or remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and any other environmental restoration and waste management carried out by or on behalf of a covered Federal agency with respect to any substance other than municipal waste; any proposed or final permit condition placing a restriction on facility siting or operation under Federal laws administered by the Environmental Protection Agency or the Department of the Interior. Nothing in this clause shall apply to the requirements of section 404 of the Clean Water Act; any report to Congress; any regulatory action to place a substance on any official list of carcinogens or toxic or hazardous substances or to place a new health effects value on such list, including the Integrated Risk Information System Database maintained by the Environmental Protection Agency; any guidance, including protocols of general applicability, establishing policy regarding risk assessment or risk characterization.

"(iii) ALSO INCLUDED.—The terms 'significant risk assessment document' and 'significant risk characterization document' shall also include the following: Any such risk assessment and risk characterization documents provided by an covered Federal agency to the public and which are likely to result in an annual increase in costs of $25,000,000 or more; environmental restoration and waste management carried out by or on behalf of the Department of Defense with respect to any substance other than municipal waste.

"(iv) RULE.—Within 15 months after the date of the enactment of this section, the Secretary and the Commission shall each promulgate a rule establishing those additional categories, if any, of risk assessment and risk characterization documents prepared by or on behalf of the Secretary or the Commission, as the case may be, that the Secretary or the Commission, as the case may be, will consider significant risk assessment documents or significant risk characterization documents for purposes of this section. In establishing such categories, the Secretary and the Commission shall consider each of the following: The benefits of consistent compliance by documents of the Secretary and the Commission in the categories; the administrative burdens of including documents in the categories; the need to make expeditious administrative decisions regarding documents in the categories; the possible use of a risk assessment or risk characterization in any compilation of risk hazards or health or environmental effects prepared by the Secretary and the Commission and commonly made available to, or used by, any Federal, State, or local government agency; and such other factors as may be appropriate.

"(3) EXCEPTIONS.—This section does not apply to risk assessment or risk characterization documents containing risk assessments or risk characterizations performed with respect to the following: A screening analysis, where appropriately labeled as such, including a screening analysis for purposes of product regulation or premanufacturing notices or any health, safety, or environmental inspections. No analysis shall be treated as a screening analysis if the results of such analysis are used as the basis for imposing restrictions on substances or activities.

"(4) SAVINGS PROVISIONS.—The provisions of this section shall be supplemental to any other provisions of law relating to risk assessments and risk characterizations, except that nothing in this section shall be construed to modify any statutory standard or statutory requirement designed to protect health, safety, or the environment. Nothing in this section shall be interpreted to preclude the consideration of any data or the calculation of any estimate to more fully describe risk or provide examples of scientific uncertainty or variability. Nothing in this section shall be construed to require the disclosure of any trade secret or other confidential information.

"(f) PRINCIPLES FOR RISK ASSESSMENT.—

"(1) IN GENERAL.—The Secretary and the Commission shall apply the principles set forth in paragraph (2) in order to assure that significant risk assessment documents and all of their components distinguish scientific findings from other considerations and are, to the extent feasible, scientifically objective, unbiased, and inclusive of all relevant data and rely, to the extent available and practicable, on scientific findings. Discussions or explanations required under this section need not be repeated in each risk assessment document as long as there is a reference to the relevant discussion or explanation in another agency document which is available to the public.

"(2) PRINCIPLES.—The principles to be applied are as follows:

"(A) When discussing human health risks, a significant risk assessment document shall contain a discussion of both relevant laboratory and relevant epidemiological data for sufficient quality which finds, or fails to find, a correlation between health risks and a potential toxin or activity. Where conflicts among such data appear to exist, or where animal data is used as a basis to assess human health, the significant risk assessment document shall, to the extent feasible and appropriate, include discussion of possible reconciliation of conflicting information, and as relevant, differences in study designs, comparative physiology, routes of exposure, bioavailability, pharmacokinetics, and any other relevant factor, including the sufficiency of basic data for review. The discussion of possible reconciliation should indicate whether there is a biological basis to assume a resulting harm in humans. Animal data shall be reviewed with regard to its relevancy to humans.

"(B) Where a significant risk assessment document involves selection of any significant assumption, inference, or model, the document shall, to the extent feasible: present a representative list and explanation of plausible and alternative assumptions, inferences, or models, explain that basis for any choices, identify any policy or value judgments; fully describe any model used in the risk assessment and make explicit the assumptions incorporated in the model; and indicate the extent to which any significant model has been validated by, or conflicts with, empirical data.

"(g) PRINCIPLES FOR RISK CHARACTERIZATION AND COMMUNICATIONS.—Each significant risk charactization document shall meet each of the following requirements:

"(1) ESTIMATES OF RISK.—The risk characterization shall describe the populations or natural resources which are the subject of the risk characterization. If a numerical estimate of risk is provided, the agency shall, to the extent feasible, provide—

"(A) the best estimate or estimates for the specific populations or natural resources which are the subject of the characterization (based on the information available to the Federal agency); and

"(B) a statement of the reasonable range of scientific uncertainties.

In addition to such best estimate or estimates, the risk characterization document

may present plausible upper-bound or conservative estimates in conjunction with plausible lower bounds estimates. Where appropriate, the risk characterization document may present, in lieu of a single best estimate, multiple best estimates based on assumptions, inferences, or models which are equally plausible, given current scientific understanding. To the extent practical and appropriate, the document shall provide descriptions of the distribution and probability of risk estimates to reflect differences in exposure variability or sensitivity in populations and attendant uncertainties. Sensitive subpopulations or highly exposed subpopulations include, where relevant and appropriate, children, the elderly, pregnant women, and disabled persons.

"(2) EXPOSURE SCENARIOS.—The risk characterization document shall explain the exposure scenarios used in any risk assessment, and, to the extent feasible, provide a statement of the size of the corresponding population at risk and the likelihood of such exposure scenarios.

"(3) COMPARISONS.—The document shall contain a statement that places the nature and magnitude of risks to human health, safety, or the environment in context. Such statement shall, to the extent feasible, provide comparisons with estimates of greater, lesser, and substantially equivalent risks that are familiar to and routinely encountered by the general public as well as other risks, and, where appropriate and meaningful, comparisons of those risks with other similar risks regulated by the Federal agency resulting from comparable activities and exposure pathways. Such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks and the preventability or nonpreventability of risks.

"(4) SUBSTITUTION RISKS.—Each significant risk assessment or risk characterization document shall include a statement of any significant substitution risks to human health, where information on such risks has been provided to the agency.

"(5) SUMMARIES OF OTHER RISK ESTIMATES.—If—

"(A) a commenter provides the Secretary and the Commission with a relevant risk assessment document or a risk characterization document, and a summary thereof, during a public comment provided by the Secretary and the Commission for a significant risk assessment document or a significant risk characterization document, or, where no comment period is provided but a commenter provides the Secretary and the Commission with the relevant risk assessment document or risk characterization document, and a summary thereof, in a timely fashion, and

"(B) the risk assessment document or risk characterization document is consistent with the principles and the guidance provided under this section, the Secretary or the Commission, as the case may be, shall, to the extent feasible, present such summary in connection with the presentation of the significant risk assessment document or significant risk characterization document. Nothing in this paragraph shall be construed to limit the inclusion of any comments or material supplied by any person to the administrative record of any proceeding.

A document may satisfy the requirements of paragraph (3), (4), or (5) by reference to information or material otherwise available to the public if the document provides a brief summary of such information or material.

"(h) RECOMMENDATIONS OR CLASSIFICATIONS BY A NON-UNITED STATES-BASED ENTITY.—Neither the Secretary or the Commission shall automatically incorporate or adopt any recommendation or classification made by a non-United States-based entity concerning the health effects value of a substance without an opportunity for notice and comment, and any risk assessment document or risk characterization document adopted by a covered Federal agency on the basis of such a recommendation or classification shall comply with the provisions of this section. For the purposes of this section, the term 'non-United States—based entity' means—

"(1) any foreign government and its agencies;

"(2) the United Nations or any of its subsidiary organizations;

"(3) any other international governmental body or international standards-making organization; or

"(4) any other organization or private entity without a place of business located in the United States or its territories.

"(i) GUIDELINES AND REPORT.—

"(1) GUIDELINES.—Within 15 months after the date of enactment of this section, the President shall issue guidelines for the Secretary and the Commission consistent with the risk assessment and characterization principles set forth in this section and shall provide a format for summarizing risk assessment results. In addition, such guidelines shall include guidance on at least the following subjects: Criteria for scaling animal studies to assess risks to human health; use of different types of dose-response models; thresholds; definitions, use, and interpretations of the maximum tolerated dose; weighting of evidence with respect to extrapolating human health risks from sensitive species; evaluation of benign tumors, and evaluation of different human health endpoints.

"(2) REPORT.—Within 3 years after the date of the enactment of this section, the Secretary and the Commission shall provide a report to the Congress evaluating the categories of policy and value judgments identified under this section.

"(3) PUBLIC COMMENT AND CONSOLATION.—The guidances and report under this subsection, shall be developed after notice and opportunity for public comment, and after consultation with representatives of appropriate State, local, and tribal governments, and such other departments and agencies, offices, organizations, or persons as may be advisable.

"(4) REVIEW.—The President shall review and, where appropriate, revise the guidelines published under this subsection at least every 4 years.

"(j) RESEARCH AND TRAINING IN RISK ASSESSMENT.—

"(1) EVALUATION.—The Secretary and the Commission shall regularly and systematically evaluate risk assessment research and training needs of the Department and the Commission, including, where relevant and appropriate, the following:

"(A) Research to reduce generic data gaps, to address modelling needs (including improved model sensitivity), and to validate default options, particularly those common to multiple risk assessments.

"(B) Research leading to improvement of methods to quantify and communicate uncertainty and variability among individuals, species, populations, and, in the case of ecological risk assessment, ecological communities.

"(C) Emerging and future areas of research, including research on comparative risk analysis, expose to multiple chemicals and other stressors, noncancer endpoints, biological markers of exposure and effect, mechanisms of action in both mammalian and nonmammalian species, dynamics and probabilities of physiological and ecosystem exposures, and prediction of ecosystem-level responses.

"(D) Long-term needs to adequately train individuals in risk assessment and risk assessment application. Evaluations under this paragraph shall include an estimate of the resources needed to provide necessary training.

"(2) STRATEGY AND ACTIONS TO MEET IDENTIFIED NEEDS.—The head of each covered agency shall develop a strategy and schedule for carrying out research and training to meet the needs identified in paragraph (1).

"(3) REPORT.—Not later than 6 months after the date of the enactment of this section, the Secretary and the Commission shall submit to the Congress a report on the evaluations conducted under paragraph (1) and the strategy and schedule developed under paragraph (2). The Secretary and the Commission shall report to the Congress periodically on the evaluations, strategy, and schedule.

"(k) STUDY OF COMPARATIVE RISK ANALYSIS.—

"(1) IN GENERAL.—

"(A) STUDY.—The Director of the Office of Management and Budget, in consultation with the Office of Science and Technology Policy, shall conduct, or provide for the conduct of, a study using comparative risk analysis to rank health, safety, and environmental risks and to provide a common basis for evaluating strategies for reducing or preventing those risks. The goal of the study shall be to improve methods of comparative risk analysis.

"(B) CONTRACT.—Not later than 90 days after the date of the enactment of this section, the Director, in collaboration with the heads of appropriate Federal agencies, shall enter into a contract with the National Research Council to provide technical guidance on approaches to using comparative risk analysis and other considerations in setting health, safety, and environmental risk reduction priorities.

"(2) SCOPE OF STUDY.—The study shall have sufficient scope and breadth to evaluate comparative risk analysis and to test approaches for improving comparative risk analysis and its use in setting priorities for health, safety, and environmental risk reduction. The study shall compare and evaluate a range of diverse health, safety, and environmental risks.

"(3) STUDY PARTICIPANTS.—In conducting the study, the Director shall provide for the participation of a range of individuals with varying backgrounds and expertise, both technical and nontechnical, comprising broad representation of the public and private sectors.

"(4) DURATION.—The study shall begin within 180 days after the date of the enactment of this section and terminate within 2 years after the date on which it began.

"(5) RECOMMENDATIONS FOR IMPROVING COMPARATIVE RISK ANALYSIS AND ITS USE.—Not later than 90 days after the termination of the study, the Director shall submit to the Congress the report of the National Research Council with recommendations regarding the use of comparative risk analysis and ways to improve the use of comparative risk analysis for decision-making by the Secretary and the Commission.

"(l) DEFINITIONS.—For purposes of this section:

"(1) RISK ASSESSMENT DOCUMENT.—The term 'risk assessment document' means a document containing the explanation of how hazards associated with a substance, activity, or condition have been identified, quantified, and assessed. The term also includes a written statement accepting the findings of any such document.

"(2) RISK CHARACTERIZATION DOCUMENT.—The term 'risk characterization document' means a document quantifying or describing the degree of toxicity, exposure, or other risk posed by hazards associated with a substance, activity, or condition to which individuals, populations, or resources are exposed. The term also includes a written statement accepting the findings of any such document.

"(3) BEST ESTIMATE.—The term 'best estimate' means a scientifically appropriate estimate which is based, to the extent feasible, on one of the following:

"(A) Central estimates of risk using the most plausible assumptions.

"(B) An approach which combines multiple estimates based on different scenarios and weighs the probability of each scenario.

"(C) Any other methodology designed to provide the most unbiased representation of the most plausible level of risk, given the current scientific information available to the Secretary or the Commission, as the case may be.

"(4) SUBSTITUTION RISK.—The term 'substitution risk' means a potential risk to human health, safety, or the environment from a regulatory alternative designed to decrease other risks.

"(5) DOCUMENT.—The term 'document' includes material stored in electronic or digital form.

"(m) ANALYSIS OF RISK REDUCTION BENEFITS AND COSTS.—

"(1) ANALYSIS OF RISK REDUCTION BENEFITS AND COSTS.—

"(A) IN GENERAL.—The President shall require the Secretary and the Commission to prepare the following for each major rule within a program that is proposed or promulgated under this Act after the date of enactment of this section:

"(i) An identification of reasonable alternative strategies, including strategies that require no government action; will accommodate differences among geographic regions and among persons with different levels of resources with which to comply; and employ performance or other market-based mechanisms that permit the greatest flexibility in achieving the identified benefits of the rule; the agency shall consider reasonable alternative strategies proposed during the comment period.

"(ii) An analysis of the incremental costs and incremental risk reduction or other benefits associated with each alternative strategy identified or considered by the agency. Costs and benefits shall be quantified to the extent feasible and appropriate and may otherwise be qualitatively described.

"(iii) A statement that places in context the nature and magnitude of the risks to be addressed and the residual risks likely to remain for each alternative strategy identified or considered by the agency. Such statement shall, to the extent feasible, provide comparisons with estimates of greater, lesser, and substantially equivalent risks that are familiar to and routinely encountered by the general public as well as other risks, and, where appropriate and meaningful, comparisons of those risks with other similar risks regulated by the Secretary and the Commission resulting from comparable activities and exposure pathways. Such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks and the preventability or nonpreventability of risks.

"(iv) For each final rule, an analysis of whether the identified benefits of the rule are likely to exceed the identified costs of the rule.

"(v) An analysis of the effect of the rule on small businesses with fewer than 100 employees; on net employment; and to the extent practicable, on the cumulative financial burden of compliance with the rule and other existing regulations on persons producing products.

"(2) PUBLICATION.—For each major rule referred to in paragraph (1) the Secretary or the Commission, as the case may be, shall publish in a clear and concise manner in the Federal Register along with the proposed and final regulation, or otherwise make publicly available, the information required to be prepared under paragraph (1).

"(3) DECISION CRITERIA.—

"(A) IN GENERAL.—No final rule subject to the provisions of this subsection shall be promulgated unless the Secretary or the Commission, as the case may be, certifies the following:

"(i) That the analyses under this subsection are based on objective and unbiased scientific and economic evaluations of all significant and relevant information and risk assessments provided to the Secretary or the Commission, as the case may be, by interested parties relating to the costs, risks, and risk reduction and other benefits addressed by the rule.

"(ii) That the incremental risk reduction or other benefits of any strategy chosen will be likely to justify, and be reasonably related to, the incremental costs incurred by State, local, and tribal governments, the Federal Government, and other public and private entities.

"(iii) That other alternative strategies identified or considered by the agency were found either to be less cost-effective at achieving a substantially equivalent reduction in risk, or to provide less flexibility to State, local, or tribal governments or regulated entities in achieving the otherwise applicable objectives of the regulation, along with a brief explanation of why alternative strategies that were identified or considered by the agency were found to be less cost-effective or less flexible.

"(4) EFFECT OF DECISION CRITERIA.—

"(A) IN GENERAL.—Notwithstanding any other provision of Federal law, the decision criteria of paragraph (3) shall supplement and, to the extent there is a conflict, supersede the decision criteria for rulemaking otherwise applicable under the statute pursuant to which the rule is promulgated.

"(B) SUBSTANTIAL EVIDENCE.—Notwithstanding any other provision of Federal law, no major rule shall be promulgated by the Secretary or the Commission under this Act unless the requirements of this section are met and the certifications required herein are supported by substantial evidence of the rulemaking record.

"(5) PUBLICATION.—The agency shall publish in the Federal Register, along with the final regulation, the certifications required by this subsection.

"(6) NOTICE.—Where the Secretary or the Commission, as the case may be, finds a conflict between the decision criteria of this subsection and the decision criteria of an otherwise applicable statute, the Secretary or the Commission, as the case may be, shall so notify the Congress in writing.

"(n) OFFICE OF MANAGEMENT AND BUDGET GUIDANCE.—The Office of Management and Budget shall issue guidance consistent with this section—

"(1) to assist the agencies, the public, and the regulated community in the implementation of this section, including any new requirements or procedures needed to supplement prior agency practice; and

"(2) governing the development and preparation of analyses of risk reduction benefits and costs.

"(o) PEER REVIEW.—

"(1) ESTABLISHMENT.—The Secretary and the Commission shall each develop a systematic program for independent and external peer review required by this section. Such program shall provide for peer review by the Waste Review Board, may provide specific and reasonable deadlines for the Board to submit reports under this subsection, and shall provide adequate protections for confidential business information and trade secrets, including requiring the Board to enter into confidentiality agreements.

"(2) REQUIREMENT FOR PEER REVIEW.—In connection with any rule under this Act that is likely to result in an annual increase in costs of $100,000,000 or more, the Secretary and the Commission shall each provide for peer review in accordance with this section of any risk assessment or cost analysis which forms the basis for such rule or of any analysis under this section. In addition, the Director of the Office of Management and Budget may order that peer review be provided for any major risk assessment or cost assessment that is likely to have a significant impact on public policy decisions of the Secretary and the Commission.

"(3) CONTENTS.—Each peer review under this subsection shall include a report to the Secretary or the Commission, as the case may be, with respect to the scientific and economic merit of data and methods used for the assessments and analyses.

"(4) RESPONSE TO PEER REVIEW.—The Secretary or the Commission, as the case may be, shall provide a written response to all significant peer review comments.

"(5) AVAILABILITY TO PUBLIC.—All peer review comments or conclusions and the Secretary's or the Commission's response shall be made available to the public and shall be made part of the administrative record.

"(6) PREVIOUSLY REVIEWED DATA AND ANALYSIS.—No peer review shall be required under this subsection for any data or method which has been previously subjected to peer review or for any component of any analysis or assessment previously subjected to peer review.

"(7) NATIONAL PANELS.—The President shall appoint National Peer Review Panels to annually review the risk assessment and cost assessment practices of the Secretary and the Commission under this Act. The Panel shall submit a report to the Congress no less frequently than annually containing the results of such review.

"(p) JUDICIAL REVIEW.—Compliance or noncompliance by the Secretary and the Commission with the requirements of this section shall be reviewable pursuant to this Act and chapter 7 of title 5, United States Code. The court with jurisdiction to review final agency action under this Act shall have jurisdiction to review, at the same time, compliance by the Secretary or the Commission, as the case may be, with the requirements of this section. When a significant risk assessment document or risk characterization document subject to this section is part of the administrative record in a final agency action, in addition to any other matters that

the court may consider in deciding whether the action was lawful, the court shall consider the action unlawful if such significant risk assessment document or significant risk characterization document does not substantially comply with the requirements of this section.

"(q) PLAN FOR ASSESSING NEW INFORMATION.—

"(1) PLAN.—Within 18 months after the date of enactment of this section, the Secretary and the Commission shall publish a plan to review and, where appropriate revise any significant risk assessment document or significant risk characterization document published prior to the expiration of such 18-month period if, based on information available at the time of such review, the Secretary or the Commission, as the case may be, head determines that the application of the principles set forth in this section would be likely to significantly alter the results of the prior risk assessment or risk characterization. The plan shall provide procedures for receiving and considering new information and risk assessments from the public. The plan may set priorities and procedures for review and, where appropriate, revision of such risk assessment documents and risk characterization documents and of health or environmental effects values. The plan may also set priorities and procedures for review, and, where appropriate, revision or repeal of major rules promulgated prior to the expiration of such period. Such priorities and procedures shall be based on the potential to more efficiently focus national economic resources within programs carried out under this Act on the most important priorities and on such other factors as the Secretary or the Commission considers appropriate.

"(2) PUBLIC COMMENT AND CONSULTATION.—The plan under this subsection, shall be developed after notice and opportunity for public comment, and after consultation with representatives of appropriate State, local, and tribal governments, and such other departments and agencies, offices, organizations, or persons as may be advisable.

"(r) PRIORITIES.—

"(1) IDENTIFICATION OF OPPORTUNITIES.—In order to assist in the public policy and regulation of risk to public health, the President shall identify opportunities to reflect priorities within programs under this Act in a cost-effective and cost-reasonable manner. The President shall identify each of the following:

"(A) The likelihood and severity of public health risks addressed by such programs.

"(B) The number of individuals affected.

"(C) The incremental costs and risk reduction benefits associated with regulatory or other strategies.

"(D) The cost-effectiveness of regulatory or other strategies to reduce risks to public health.

"(E) Intergovernmental relationships among Federal, State, and local governments among program designed to protect public health.

"(F) Statutory, regulatory, or administrative obstacles to allocating national economic resources based on the most cost-effective, cost-reasonable priorities considering Federal, State, and local programs.

"(2) STATE, LOCAL, AND TRIBAL PRIORITIES.—In identifying national priorities, the President shall consider priorities developed and submitted by State, local, and tribal governments.

"(3) BIENNIAL REPORTS.—The President shall issue biennial reports to Congress, after notice and opportunity for public comment, to recommend priorities for modifications to, elimination of, or strategies for existing programs under this Act. Within 6 months after the issuance of the report, the President shall notify the Congress in writing of the recommendations which can be implemented without further legislative changes and the agency shall consider the priorities set forth in the report and priorities developed and submitted by State, local, and tribal governments when preparing a budget or strategic plan for any such program.

H.R. 1020

OFFERED BY: MRS. VUCANOVICH

AMENDMENT NO. 20: Page 24, insert after the period in line 9 the following: "The interim storage facility shall be located at the Savannah River Nuclear site and the Hanford Nuclear site.

H.R. 1745

OFFERED BY: MRS. WALDHOLTZ

AMENDMENT NO. 1: Page 2, line 14 (section 2(a)(1)) (relating to Desolation Canyon), strike "254,478" and insert "291,598".

Page 2, line 16 (section 2(a)(1)), strike "dated " and insert "dated December 3, 1995".

Page 2, line 19 (section 2(a)(2)) (relating to San Rafael Reef), strike "47,786" and insert "57,955".

Page 3, line 1 (section 2(a)(2)), strike "dated " and insert "dated December 12, 1995."

Page 3, line 23 (section 2(a)(6)) (relating to Sids Mountain), strike "41,154" and insert "46,589".

Page 3, beginning on line 25 (section 2(a)(6)), strike "dated " and insert "dated December 12, 1995".

Page 7, line 18 (section 2(a)(22)) (relating to Flume Canyon), strike "37,506" and insert "47,236".

Page 7, line 20 (section 2(a)(22)), strike "dated " and insert "dated December 12, 1995".

Page 7, line 25 (section 2(a)(23)) (relating to Westwater Canyon), strike "25,383" and insert "26,658".

Page 8, line 2 (section 2(a)(23)), strike "dated " and insert "dated December 12, 1995".

Page 9, line 11 (section 2(a)(29)) (relating to Paria-Hackberry), strike "57,641" and insert "94,805".

Page 9, beginning on line 12 (section 2(a)(29)), strike "dated " and insert "December 3, 1995".

Page 14, after line 13 (at the end of section 2(a)), add the following:

(50) Certain lands in the Road Canyon Wilderness Study Area comprised of approximately 34,460 acres, as generally depicted on a map entitled "Grand Gulch Proposed Wilderness" and dated December 8, 1995, and which shall be known as the Road Canyon Wilderness.

(51) Certain lands in the Fish & Owl Creek Wilderness Study Area comprised of approximately 20,925 acres, as generally depicted on a map entitled "Grand Gulch Proposed Wilderness" and dated December 8, 1995, and which shall be known as the Fish & Owl Creek Wilderness.

(52) Certain lands in the Mule Canyon Wilderness Study Area comprised of approximately 5,940 acres, as generally depicted on a map entitled "Mule Canyon Proposed Wilderness" and dated December 8, 1995, and which shall be known as the Mule Canyon Wilderness.

(53) Certain lands in the Turtle Canyon Wilderness Study Area comprised of approximately 27,480 acres, as generally depicted on a map entitled "Desolation Canyon Proposed Wilderness" and dated December 3, 1995, and which shall be known as the Turtle Canyon Wilderness.

(54) Certain lands in the The Watchman Wilderness Study Area comprised of approximately 664 acres, as generally depicted on a map entitled "The Watchman Proposed Wilderness" and dated December 8, 1995, and which shall be known as The Watchman Wilderness.

Page 26, line 18 (section 11(a)(1)), strike "142,041" and insert "242,000".

Page 28, line 2 (section 11(c)(1)), strike "dated " and insert "dated December 6, 1995,".

Page 31, line 7, add the following: "The Secretary shall have the authority to extend any existing leases on such Federal lands prior to consummation of the exchange.".

EXTENSIONS OF REMARKS

DEPLOYMENT OF TROOPS TO BOSNIA AND HERZEGOVINA

HON. NEWT GINGRICH
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. GINGRICH. Mr. Speaker, as we consider the President's decision to deploy United States military forces to Bosnia and Herzegovina, I hope that my colleagues take a moment to read the following editorials. Now is the time to ask some very hard questions about the President's policy, and I believe that these points of view are instructive in reminding us of the difficulty of this issue.

[From the New York Times, Dec. 3, 1995]

THINK HAITI AND BE REALISTIC ON BOSNIA

(By Thomas L. Friedman)

WASHINGTON.—Just a couple of months ago when you asked Administration officials exactly how the Bosnia peacekeeping operation would unfold, they would answer: "Think Haiti"—we go in big, stablize the situation on the ground, bring in civilian reconstruction teams, hold elections and we're out of there in a year.

Well think again, Haiti is no longer being touted as the model for Bosnia, because the U.S.-led effort to restore democracy in Haiti is deteriorating. As we go into Bosnia we should still "Think Haiti"—but as a cautionary tale about the limits of American power to remake a country. The U.S. military accomplished its objectives in Haiti—busting the old regime and restoring basic security. But the political, economic and police objectives, which accompanied that military mission, are all in jeopardy today.

American officials were convinced when they restored Haiti's President, Jean-Bertrand Aristide, to power that he really had abandoned his populist, radical impluses. But several weeks ago he suggested that he would not give up power after elections for a new President on Dec. 17. Then he told U.S. officials he would. Then he told his followers: If you want three more years I will not turn my back on you." Thursday, he said he really, really will step down. In the meantime, though, the other candidates have been afraid to campaign, because it seemed Mr. Aristide might stay on, and the main opposition parties were already boycotting because of complaints that the election process is not impartial.

U.S. officials always said in Haiti that prosperity would be the ultimate peacekeeper. But foreign investors have been reluctant to come in and President Aristide has hesitated to institute the privatization reforms demanded by the I.M.F., so his Government has not received the $125 million in foreign aid for this fiscal year, which is half its budget. The number of boat people fleeing Haiti for Florida is again on the rise.

The military plan in Haiti was for the U.S.-U.N. peacekeepers to hand over control to a newly created, uncorrupted Haitian police force on Feb. 29. Some of those new police have been trained, and put through U.S. human rights courses. Others have not. On Thanksgiving Day one of these new policemen went on a shooting spree that triggered massive rioting in Haiti's Cite Soleil slum. Few police have dared venture there since.

"It is obvious that the Administration would like to tiptoe away from Haiti, declaring it a success, but unless our objectives in the areas of elections, police and economics are more fully achieved, the effort of the international community could easily unravel," said Robert Pastor, President Carter's adviser on Haiti during Mr. Carter's mediation there. "Without a concerted effort to bring the opposition into the presidential elections, the outcome will not be stable or legitimate."

The ultimate lesson of Haiti is not that we should stay out of Bosnia. President Clinton did the right thing in Haiti—trying to restore democracy. Haiti is a better, more secure place today because of that. No, the real lesson of Haiti is a humility. Haiti reminds us that with enough troops and money, we can make some difference for the better. But even that limited improvement is easily eroded or overwhelmed by the habits of generations, unless some foreign peacekeepers, international organizations and aid workers are prepared to stay on the job for a long, long time. Bosnia will be no different.

I phoned Lakhdar Brahimi, who heads U.N. operations in Haiti, and asked him what he's learned there that might be of use in Bosnia. He captured neatly the humbling, ambiguous reality of trying to rebuild failed states. He said: "Look, Haiti is a country with 200 years of horrible history. It would be totally naive to think you can put it right with 20,000 troops in a year. With operations like Haiti [and Bosnia], the international community is embarking on something completely new for itself, and for which it does not yet have all the skills. It isn't even sure what it wants and certainly doesn't have all the money it needs to do it. So we take a country by the hand and accompany it a little bit, while it tries to stand on its own two feet. We don't do it perfectly, but it's still useful, even if it doesn't create paradise. But no one should kid themselves. It's a constant uphill struggle."

[From the Atlanta Constitution, Dec. 3, 1995]

A PAGE FROM HISTORY

(By Bradford Smith)

American troops are preparing to impose a peace settlement in Bosnia that appears to have arisen largely from the fatigue of the negotiators in Dayton. History and the posture of the Serbs in Sarajevo make it doubtful that this latest agreement will lead to "peace in our time." But how much history can we expect the negotiators to remember after pulling an all-nighter?

Bosnians nearly always have played the pawn in the political games in the Balkans. When was Bosnia last an independent state? For that, we have to look back to the 14th century. Even then, Bosnia was a divided country. In the north, the Kotroman family held sway. In the south, the Subic family ruled. In 1305, the Subic family emerged as the dominant power, but Stjepan Kotromanic seized control with a little help from Hungary—the local "superpower"—and the Serbs. The modern outlines of Bosnia resulted from his conquests.

After Kotromanic's death in 1353, Bosnia fell apart, as local nobles attempted to gain autonomy. Several provinces broke away from the Bosnian state, again with Hungarian assistance. The centers of discontent were the region around Banja Luka and Herzegovina. The political divisions of Bosnia then conformed to the current lines of conflict.

One thing seems clear: Foreign intervention has been more likely to produce disorder than concord. Hungarian involvement consistently prevented the restoration of equilibrium. This was also true in the 1920s, when Comintern and the Italian Fascists exploited the ethnic tensions between Croats and Serbs, leading to chaos, terrorism and assassination.

Given that so many leaders have vowed not to respect the Dayton peace agreement, should we expect a new show of force to convince them otherwise? Is there any lack of foreign interest groups that could further their own agenda by giving aid and comfort to the Serbs?

The rulers of 14th-century Hungary always claimed that they were intervening in Bosnia to support oppressed Catholics from Bosnian heretics. Likewise, our intervention is justified by the ideals of "democracy" and "self-determination."

Bill Clinton is, in fact, merely continuing the policies of his two predecessors, who were trying to undo the legacy of the Cold War. Soviet Premier Nikita Khrushchev long ago stated that as the Soviets supported "wars of national liberation," the United States would be forced to support dictators, on the pretext that they were anti-communist.

The result of that policy was our support for a host of petty tyrants, all of whom eventually caused us much embarrassment. And ultimately we lost in Iran, Nicaragua, Vietnam and nearly everywhere else we got involved. But with Ronald Reagan a turn began when U.S. military force was used to support "freedom fighters."

The invasion of Grenada was our first attempt to "impose" democracy, and the success of that little engagement led to other glorious wars. An episode in Panama and the specter of Manuel Noriega before the Inquisitor bailed out the War on Drugs, preparing Americans for a descent on the Middle East to liberate the oil barons of Kuwait from Saddam Hussein. Soon we had Bob Hope shows and all those things we associated with good wars.

Clinton is merely trying to keep up the pace. Unfortunately, the situation in Bosnia is too ambiguous to provide the basis for a Crusade. Additional U.S. involvement is more likely to upset the balance of power even further. Unless the new Bosnian state can develop its own internal equilibrium, it cannot survive.

The United States must play a role in the negotiating process, but Clinton could find better venues for a military action to redeem his political career.

How about the Bahamas?

WELCOMING THE PRIME MINISTER OF THE STATE OF ISRAEL, SHIMON PERES

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. STOKES. Mr. Speaker, today marks a historic occasion in the halls of Congress. I join my colleagues in welcoming to this Chamber the Prime Minister of the State of Israel, Shimon Peres. Mr. Peres journeyed to the United States to help us pay homage to our friend, the late Israeli Prime Minister Yitzhak Rabin, and to demonstrate the unity that exists between our two nations. As he addresses this joint session of Congress, we express our appreciation to Prime Minister Peres for his willingness to make this important journey on behalf of the people and State of Israel.

The voice of Prime Minister Yitzhak Rabin has been silenced. Hatred took from our midst a strong leader who believed that the time had come to seek peace in the Middle East. Yet, we gather today with a renewed sense of commitment to pursue peace in that region. It is, indeed, the highest tribute we can pay to Yitzhak Rabin.

Mr. Speaker, the man who addresses us as the new Prime Minister of Israel, Shimon Peres, has served his nation with distinction and honor. He brings to the post a record of distinguished service in office, and the highest level of commitment and integrity. Prime Minister Peres is a strong leader to whom we pledge our full support.

Mr. Speaker, I am proud of our Nation's longstanding and close relationship with the people of Israel. Our historic and mutually beneficial relationship is a testament to international cooperation. Indeed, it exists as a model for all peace-loving nations of the world. During this period of mourning for the slain hero, Yitzhak Rabin, we remain committed to that relationship.

In the United States, we applaud President Clinton for his continued leadership in the quest for peace in the Middle East. He has demonstrated America's strong support for this effort, and he stands beside his brother, Shimon Peres, offering a strong arm of support. The leadership of these two individuals and their courage in the pursuit of peace should be encouraged by all Americans and Israelis.

Mr. Speaker, on behalf of the residents of the 11th Congressional District, I take pride in welcoming Israeli Prime Minister Shimon Peres to Washington. As he comes before us, we take this opportunity to again convey our condolences during this time of mourning for Yitzhak Rabin. We hope that Prime Minister Peres will carry back to the people of his nation our words of comfort and support. Our support is extended in the spirit of brotherhood and unity.

BREATHITT COUNTY STATE CHAMPS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. ROGERS. Mr. Speaker, last week, many high schools around the Nation won high school State football championships. But, none were more exciting than Breathitt County, KY's 42–35, 2OT victory over Franklin-Simpson in the Kentucky 2A State football championship.

The Bobcats, whose program is one of the strongest in the State, won their first State championship ever while fishing the first undefeated season—15–0—in the school's long history.

And they won it in thrilling, heart-quickening style.

Trailing by as many as 14 points, the determined Bobcats, led by quarterback Waylon Chapman, stormed back several times, climaxed by a 90-yard drive which tied the score in the game's final minutes.

After matching scores in the first overtime, the Bobcats faced a fourth down play from the 16 yard line. After a scramble, Chapman's pass fell into the hands of a sliding Phillip Watts in the corner of the end zone.

After a short gasp, the covering official signaled touchdown sending the Bobcats and their faithful into a frenzy.

But, it wasn't over. Franklin-Simpson had one more chance to win.

After two plays, the stiff Bobcat defense forced a fumble and recovered it to clinch the victory. and, then the real celebrating began.

Stunned and emotionally drained, Coach Mike Holcomb captured his team's thoughts best. "It's a great feeling for this community," he said. "They poured their hearts out for this team."

Yes, it is wonderful for this great community, but it is even a bigger accomplishment for the fine young athletes at Breathitt County High School. They never quit. Their determination, commitment and perseverance is something everyone in this country can respect with pride.

Coach Vince Lombardi, in his immortal speech, "What It Takes To Be Number One," said, "I firmly believe that man's finest hour—his greatest fulfillment—is that moment when he was worked his heart out and he's exhausted on the field of battle—Victorious."

The Bobcats have been to the top of the mountain, and as ABC's Keith Jackson would say, "Oh Nellie," are we proud.

GIANT HEALTH NET H.M.O. SUES COMPANY THAT GIVES IT A BAD RATING

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. STARK. Mr. Speaker, the movement to managed care is sweeping the country, and it is vital that patients know whether the HMO's and other organizations they are being asked to join provide quality care or are financially sound.

A bad sign for consumers is the lawsuit of giant Health Net HMO against the tiny rating firm of Weiss Ratings, Inc. Health Net claims that Weiss' analysis of Health Net's very shakey financial status—a "D–" rating—was harmful to the HMO.

Mr. Speaker, the law suit smacks of intimidation. The financial data was very clear. At the time of the rating, Health Net was in bad shape. Weiss has an excellent reputation for spotting companies in trouble. Customers and investors have a right to know. If lawsuits like this succeed in silencing the analysts and critics, there will be no competitive marketplace because the consumer will have no hope of making an informed decision. Ignorant customers don't make good customers—and Health Net's lawsuit is an effort to keep the public ignorant. The problem is, ignorance in picking a health plan can cause customer bankruptcy or even death.

Enclosed is a portion of the New York Times article of November 24, 1995, that describes the kind of anticonsumer lawsuit that Health Net is pursuing.

[From the New York Times, Nov. 24, 1995]

RATING AGENCIES FACING LAWSUITS FOR LOW GRADES

(By Michael Quint)

Rating agencies that grade the financial strength of companies and local governments are accustomed to lawsuits by investors who say that the ratings failed to alert them to serious problems. But the agencies are not used to being sued by the entities they rate.

Now that is changing, as agencies ranging from the giant Moody's Investors Service in New York, a unit of the Dun & Bradstreet Corporation, to tiny Weiss Group, of Palm Beach Gardens, Fla., are learning that they are vulnerable to suits from companies or governments who say that their ratings were so low as to be libelous.

Rating agencies defend their right to publish opinions as a matter of freedom of the press, regardless of whether they were hired to issue the rating.

But in two current disputes, one by the second-largest health maintenance organization in California and the other by the largest school district in Colorado, rating agencies that issued unsolicited ratings were accused of using their reports to drum up business.

Unsolicited ratings can become an issue when companies and local governments that paid to be rated wanted to choose the agencies that they thought would give them the best ratings, testifying to their strength. If an unsolicited rating was much different from what the company thought it deserved, sparks could fly.

Malik Hasan, a doctor and chairman of Health Net, a California health maintenance organization, said a D– rating by Weiss "made us into their poster boy." Mr. Hasan said that Weiss used the rating to attract attention and sell more of the agency's reports. Late last year, after Weiss gave Health Net the lowest rating of any of the country's 13 largest H.M.O.'s, Health Net filed suit in Federal court in Los Angeles accusing Weiss of interfering with its business, and of defamation, slander and libel.

Martin Weiss, chairman of the rating agency, said he had spent more than $350,000 of his own money defending the agency against

the lawsuit and was in no mood to back down. "I am fighting to the bitter end, because if I cave in now, the word would get around that the way to get a better rating or to shut up Weiss is to sue him," he said.

Although Mr. Weiss has sold only 21 reports about Health Net, he hopes that H.M.O. ratings will raise his company's revenues above the $764,000 total for 1994. The financial ratings of H.M.O.'s were important, he said, because the groups were growing and "a group that is under financial pressure could be more likely to cut corners on medical care."

Concern about his reputation led Mr. Weiss to reject a compromise settlement proposal a week ago, because it would not have made clear that Mr. Weiss did not pay any damages to Health Net, nor would he have been able to talk publicly about the case.

Dr. Hasan of Health Net said he was pushing the suit because the criteria for Weiss ratings remained secret and put too much emphasis on measures of financial strength that did not accurately reflect the ability of his company to pay the medical costs of its 1.4 million customers in California.

Mr. Weiss defended his rating formula, saying it was similar to one being developed by state insurance commissioners for H.M.O.'s. He said that his standards did not condemn the entire industry. Nearly half the 385 H.M.O.'s he now rates are in the A or B categories, with another 32 percent in the C rating group.

THE BALANCED BUDGET ACT

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. WATTS of Oklahoma. Mr. Speaker, the Balanced Budget Act of 1995 could be the best holiday gift that we ever give our children and grandchildren. This legislation could be the first step in paying off the ever-mounting debts we have accumulated for future generations. And this legislation could be the catalyst for new and better paying jobs for America's workers and for students who will be entering the job market.

But this legislation can be none of these things until the President joins us in our commitment to a true balanced budget.

The Nation's job-creating businesses are alarmed that the President has not joined the Congress in bringing fiscal discipline to the Federal establishment. Last week, Dr. Richard Lesher, President of the U.S. Chamber of Commerce, wrote to President Clinton to express his views on the veto of the Balanced Budget Act.

I believe that Dr. Lesher has raised important points in his letter to the President, and I would like to share it with my colleagues. Dr. Lesher's letter follows:

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, December 6, 1995.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On behalf of the world's largest business federation, representing 215,000 businesses, 3,000 state and local chambers of commerce, 1,200 trade and professional associations, and 75 American Chambers of Commerce abroad, I am writing to express our extreme disappointment over your vetoing H.R. 2491, the "Balanced Budget Act of 1995."

This historic legislation was the culmination of Herculean efforts by Members of Congress and the American people to bring about real fiscal discipline at the Federal level. It reflected a delicate balance between streamlining the Federal government, providing economic stimulus through tax relief to America's families and businesses, and ensuring that necessary government services remain strong and directed to America's truly needy.

Large and small businesses alike embraced H.R. 2491 as a means of improving the nation's economic climate and job creation. Eliminating our nation's annual deficits will lead to lower interest rates, increased savings and investment, greater productivity, additional and better paying jobs, and an overall higher standard of living for all citizens. Further, tax relief for America's families and businesses will increase capital investment, preserve family-owned businesses, and modernize outdated tax laws while making the goal of a balanced budget more attainable.

From national polls, to town hall meetings, to telephone calls and letters, the American people clearly believe the tax and spend approach of big government is unacceptable. We agree. If H.R. 2491 is not the answer, it is incumbent on you and your Administration to put forth specific proposals which respond to the call for a seven year balanced budget plan.

The impending fiscal crisis threatens every level and aspect of our lives: from our competitive stance, to our standard of living, to those critical services for the needy, nothing escapes its clutches. This moral imperative is too critical to be responded to by political rhetoric and no solutions. All of us must rise above politics, exercising true leadership by coming to a timely agreement.

That is what we expect of you and our congressional leaders. The time is now for you to provide the leadership to finally achieve an agreement to balance the budget for America's future.

Sincerely,

RICHARD L. LESHER.

TRIBUTE TO COL. WILLIAM J. DALECKY, USAF

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. DORNAN. Mr. Speaker, a friend of the Congress and a long time leader in this Nation's Air Force fighter aircraft weapons systems, Col. William J. Dalecky, is retiring from the U.S. Air Force on 1 January 1996. His most recent position has been as the Chief, Weapons Systems Liaison Division, Office of the Secretary of the Air Force, Washington, DC. In this position he has been responsible to the Secretary of the Air Force for legislative liaison for authorization of all Air Force weapon systems budget requests.

Colonel Dalecky has had a distinguished career of nearly 26 years of military service. After being commissioned through the U.S. Air Force Academy in June 1969 and graduating 11th in his class, he attended graduate school at the Anderson School of Management, UCLA and was awarded an MBA degree. He then entered undergraduate pilot training at Webb AFB, TX, graduating with distinction in 1971. Colonel Dalecky's first operational assignment was as an F–4D aircraft commander with the Triple Nickel—555 Tactical Fighter Squadron—Udorn, Royal Thailand AFB. During his tour in Southeast Asia, Colonel Dalecky flew extensively over North Viet Nam, logging 200 combat missions.

His next two decades of service continued to contribute directly to the aerospace defense of our Nation. After his tour at Udorn, Colonel Dalecky served as an F–4 instructor pilot at Luke AFB, as an F–4D Squadron flight commander at Spangdahlem AB, then as a T–41 instructor pilot at the U.S. Air Force Academy, instructing cadets in basic flying skills in preparation for pilot training, and finally, as an A–10 aircraft commander at England AFB. His final operational assignment was as deputy commander for operations and later commander, 52 Operations Group, Spangdahlem AB. During this assignment, he deployed two of three assigned Wild Weasel squadrons to combat against Iraq, with no losses due to enemy activity.

Colonel Dalecky attended the U.S. Army Command & General Staff College in Ft. Leavenworth, KS and the Naval War College, Newport, RI.

Colonel Dalecky also holds an MS degree in International Relations from Troy State University, a masters degree in Military Art and Science from U.S. Army Command and General Staff College, and an MS degree in National Strategic Studies from the Naval War College. Colonel Dalecky has received numerous awards and decorations, including the Distinguished Flying Cross, the Purple Heart, and the Legion of Merit.

Colonel Dalecky is married to the former Elisabeth Houle. They have three daughters, Natalie, Selene, and Amanda.

Colonel Dalecky plans to continue his work in fighter aircraft programs in a civilian capacity in the Washington area. On behalf of my colleagues and the congressional staff who have known and worked with Colonel Dalecky, we wish him and his wife Betty the very best in their future endeavors.

TRIBUTE TO REV. SAMUEL G. SIMPSON

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Rev. Samuel G. Simpson who was honored by friends and members of the Bronx Baptist Church on Sunday, November 12, for his 31 years of service in this ministry in my South Bronx congressional district.

Reverend Simpson has faithfully led the congregation since the beginnings of the church, when it started as a mission of the First Baptist Church, in Brooklyn. That same year the congregation moved their meeting place at 2024 Honeywell Avenue, in the Bronx. The number of worshippers continue to

grow and a larger location was secured, in 1970, at 331 East 187th Street.

Born in Jamaica, Mr. Simpson attended West Indies College. Soon afterward, he moved to New Jersey and obtained a bachelor's degree from Northeastern Bible College. He also holds an M.P.S. from the New York Theological Seminary, a D.D. from Asia Bible College, and a D.D. from Martha's Vineyard Theological Seminary.

Always anxious to learn, Reverend Simpson broadened his education by completing courses at New York University, New York Institute of Photography, and at Oxford University.

Besides his passion for learning, Reverend Simpson has been an active member in the community. He holds numerous memberships and has presided over many religious organizations. Among these Reverend Simpson was the president of the Baptist Convention of New York, the Metropolitan New York Baptist Association Pastor's Conference, and of the Bronx Division of the Council of Churches. He continues to preside over the Clergy Coalition of the 47th Precinct and is the chairman of the board of the Bronx Baptist Day Care and Learning Center.

Reverend Simpson's commitment to spread the gospel and to help the members of the community has been recognized by many organizations. The Bronx Council of churches honored him with the "Man of the Year" award. He was also recognized in "Who is Who, Among Black Americans," and received the Community Services award from the Seventh Day Adventist Church of New York City, and the Community Appreciation award from the Bronx Shepherd Restoration. A highly educated man, Reverend Simpson has published numerous works, including, "Seven Beginnings."

Mr. Speaker, I ask my colleagues to join me in recognizing the outstanding accomplishments of Reverend Simpson and his untiring service to the Bronx Baptist Church in the South Bronx community.

RETIREMENT OF DONALD ROACH

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. BURTON of Indiana. Mr. Speaker, I would like to take a moment to express my congratulations and admiration to Mr. Donald Roach of Indianapolis, IN, as he retires from Allison Transmission.

In his nearly 50 years in the work force, Mr. Roach served his community and country in several capacities.

A weapons expert in the U.S. Army in the early 1950's, Mr. Roach brought his military expertise to Allison Transmission in Indianapolis in 1981. He began as a specialist on a battle-tank development project at Allison and then served as Allison's Audit Coordinator at the U.S. Army Tank Plant in Lima, OH, for the balance of the 1980's.

Donald Roach would conclude his years of service as a regional account manager, sharing his lifelong experience and expertise with both customers and fellow Allison employees across the country.

Even in this retirement, Donald Roach will remain active in various community service organizations and social clubs, and especially with his family. He has a wife, four children, and many grandchildren with whom he can enjoy the next phase of his life. I wish Donald Roach the best as he reflects on the many memories of the last 50 years.

NATIONAL FUEL FUNDS DAY

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. KENNEDY of Massachusetts. Mr. Speaker, the safety net for millions of low-income and elderly families striving to keep warm this winter is wearing awfully thin. Budget cuts and funding delays have left the Low Income Home Energy Assistance Program [LIHEAP] struggling to get off the ground as the coldest winter weather approaches. This year as never before, needy households will be turning to private fuel funds to safely warm their homes and make it through the winter.

Today is National Fuel Funds Day. Sponsored by the National Fuel Funds Network, it is a time to remember the more than 285 private fuel funds around the country and to show our support for their work to warm the lives of our fellow citizens. Americans are a generous people. In fact, Americans donated more than $72 million in support of this Nation's private fuel funds in 1993 alone. That figure pales, however, in comparison with the more than $1 billion in fuel assistance provided annually by the Federal Government and the magnitude of the cuts currently being proposed for this vital program. The House has recommended eliminating energy assistance from the 1996 budget while the Senate is contemplating a more than 30 percent reduction in funding.

Let us remember, then, our private fuel funds on National Fuel Funds Day and support them as they fight against the tide to shore up the safety net for millions of needy American men, women, and children.

1995 ORDER OF EXCELLENCE FOR BEST NURSING HOME

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. MONTGOMERY. Mr. Speaker, I would like to congratulate the Department of Veterans Affairs and particularly the Tucson VA Nursing Home for being awarded the 1995 Order of Excellence for Best Nursing Home by the nursing home industry journal, Contemporary Long Term Care, which sponsors the annual competition.

The Tucson facility scored first among both public and private nursing homes around the country with fewer than 135 beds. Tucson is the first VA nursing home to win the award. In fact, this is the first time the award has been given to a public facility.

The Tucson 120-bed center serves more than 600 elderly veterans in southern Arizona through a variety of special rehabilitation programs aimed at returning the veterans home or achieving independence. In addition to physical rehabilitation, the center provides interim neurologic treatment for dementia and stroke, psychiatric and hospice care, and respite care.

I am very proud that a VA facility has won recognition as a nationally outstanding care provider. Congratulations, Tucson, and the Department of Veterans Affairs.

OPPOSE THE SALE OF ADVANCED MISSILES TO TURKEY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. SMITH of New Jersey. Mr. Speaker, on December 1, DOD's Defense Security Assistance Agency notified the House International Affairs Committee of the sale of 120 Army Tactical Missile Systems [ATACMS] to Turkey. Essentially a massive, guided cluster bomb, each missile is accurate at a range of up to 100 miles and delivers 950 small bombs. Many of the munitions fail to detonate, remain on the ground, and become a mortal threat to noncombatants. I rise today to voice grave concerns about this sale and question the rationale and timing of this deal. I also want to point out possible consequences of this sale and underscore the danger of unconditional military support for an unstable regime which routinely commits massive human rights abuses against its own citizenry.

Mr. Speaker, my main concern about this sale is that Turkey's regime could use these missiles against civilians as it pursues its ruthless campaign against Kurdish guerrillas. Tragically, Kurdish terrorists have killed hundreds of innocent civilians. Yet in response, Turkey's military has killed thousands, tortured and maimed countless others, destroyed almost 3,000 Kurdish villages and forced 3 million people from their homes. On November 20, 1995, Human Rights Watch detailed in a 171-page report the Turkish military's widespread use of United States-supplied equipment in campaigns which inflict death and destruction against civilians. The atrocities detailed in this report are appalling. The report cites more than two dozen eyewitness accounts and substantiates a June 1995 State Department report which also concluded that U.S. equipment was used to violate the human rights of civilians.

Mr. Speaker, advocates of the missile sale argue that Turkey would not use ATACMS against civilians because of the system's high cost and because such use can be easily detected. Both rationales are preposterous. Over recent years, Turkey has spent an estimated $7 billion per annum fighting its internal war. The supposed deterrence due to United States detection capabilities also rings hollow given that this administration, despite overwhelming evidence that Turkey uses United

States-supplied weapons against civilians, refuses to condition Turkey's use of United States equipment. I am particularly disturbed that the State Department's Office on Democracy, Labor and Human Rights has lent its support to this sale when it had opposed the sale of ordinary cluster bombs to Turkey earlier this year. The sale of such weapons appears to indicate that the United States Government is willing to ignore Turkey's ruthless suppression of its Kurdish population because of Turkey's value as a strategic and economic partner. It is worth pointing out, Mr. Speaker, that the prime beneficiary of this $132 million contract will be the LORAL Corp., which manufactures ATACMS in Camden, AR.

Mr. Speaker, Turkey is undeniably located in a troubled and unstable region of the world. But Mr. Speaker, extending assistance to a fellow member of NATO does not mean we must shut our eyes to their violations of basic human rights. This administration has prioritized the halt of missile proliferation, and I would further question the introduction of advanced missile technology into this unstable region on these grounds.

On October 17 of this year, Mr. Speaker, a New York Times editorial entitled "America Arms Turkey's Repression" concluded that "[A]ny further [military] aid should carry human rights conditions that would promote a political solution to a war that has undermined Turkish democracy, boosted the power of the military, drained the economy and divided Turkey from its European allies. Placing such conditions on assistance would also reduce America's complicity in Turkey's repressive internal war." Administration representatives, many of my colleagues, and political leaders around the world are urging the Government of Turkey to pursue nonmilitary solutions to the Kurdish crisis because Turkey's purely military approach has failed to do anything but prolong the bloody, divisive and costly conflict. Mr. Speaker, I would also ask how the transfer of an advanced, destructive weapons system serves long-term United States interests in promoting nonmilitary solutions to Turkey's internal conflict?

Mr. Speaker, on December 24, national elections will be held in Turkey which will have far reaching implications for United States-Turkish relations and the course of democracy in Turkey. Most observers believe the Islamic-based Welfare Party is poised to win more votes than any other party and will play an important role in, if not lead, Turkey's post-election government. This anti-Western party has declared its intentions to reevaluate the foundations of Turkey's strategic and economic relationship with the United States. This raises the question of whether United States policy makers have thought about the consequences should Turkish voters bring the fundamentalists to power? If the Turkish military is to remain subordinated to civilian authorities, then should we not think twice about providing sophisticated weaponry to a regime whose leaders have stated their opposition to United States interests in the region?

Mr. Speaker, I want to reiterate my opposition to this sale on the grounds that it is amoral and undermines U.S. security interests. Turkey's leaders have not sought to assuage concerns that such weapons would be used internally, by publicly committing to nonuse of this United States-supplied weapon on its own territory, against its own citizens. Mr. Speaker, I believe the sale of ATACMS to Turkey is a mistake we will come to regret. It is shameful that these implements of civilian death and destruction will be labeled "Made in the USA."

REMARKS BY MARVIN LENDER ABOUT THE TRAGIC DEATH OF YITZHAK RABIN

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Ms. DELAURO. Mr. Speaker, today I rise to share a statement made by my dear friend Marvin Lender about the tragic assassination of Yitzhak Rabin. A resident of Woodbridge, CT, Mr. Lender is the former national chairman of the United Jewish Appeal and has a long and distinguished record in helping others. He has made countless contributions to community and civic affairs, but has concentrated his efforts on the Jewish community and the people of Israel.

Before assuming the chairmanship of the United Jewish Appeal [UJA], Mr. Lender was UJA's national chairman for major gifts, and contributed greatly to the Passage to Freedom Special Campaign for Soviet Jewry and Operation Exodus. The success of Soviet Jewry's settlement in Israel in freedom and dignity is due to his extraordinary efforts on their behalf. He served as UJA's cochairman for the northeast region, general chairman of New Haven's Combined Jewish Appeal, and president and chairman of the boards of directors of the United Israel Appeal and the American Jewish Joint Distribution Committee.

Mr. Lender currently resides in Woodbridge with his wife and three children. He serves on the board of trustees at Yale New Haven Hospital and is the cochairman of the annual drive for the New Haven chapter of the Juvenile Diabetes Foundation. Mr. Lender cochairs the New Haven Holocaust and Prejudice Reduction program which helps eliminate prejudice by making school-age children aware of the horrors of the Holocaust.

Through his following statement, it is clear that his countless efforts on behalf of the Jewish Community and the people of Israel were inspired by the achievements and the example of Yitzhak Rabin. I applaud Mr. Lender's heartfelt statement remembering and honoring Yitzhak Rabin. Mr. Rabin's life and his achievements will be remembered and revered for many years to come.

I am returning to Israel after just arriving back in the states on Friday. Sleeping on the flight is impossible. My mind never stops thinking about Prime Minister Rabin. The times that I had the privilege of being with him are so vivid to me. I have feelings of sadness. I feel that the Jewish people have experienced another major tragedy. Israel is at the center of it all again—the bombing of a bus in Tel Aviv or Beit Leit—soldiers being killed in South Lebanon—and now the taking of the life of the Prime Minister of the State of Israel. Israel, the homeland of the Jewish people. And to make matters worse, if that is possible, Rabin was murdered by a Jew. For many reasons, I felt I needed to be there—to attend his funeral—to pay my respects and personally say good-bye—to be there as a representative of the United Jewish Appeal, as a strong supporter of Israel, as a Jew, and most of all, as a friend and admirer of Yitzhak Rabin. In fact, ironically, after many years of interacting with him, and especially over these last two years, I had come to know him more intimately, and to some extent he began to know more about me and how I felt about what he was doing.

Our first meeting was on the day after he was elected Prime Minister. I remember it as though it were yesterday. I remember September 13, 1993, on the lawn of the White House. I will never forget his demeanor. He was so uncomfortable. His body language was so obvious. He did not want to be there, but he knew he had to be in order to lead our people to a new phase in our history. This was the first significant step in the peace process. Rabin had the courage to take this momentous step, beginning the long rocky road that he would travel to achieve peace. He spoke, and you could hear his concern, his emotion and his passion. He concluded his poignant remarks with the Hebrew words so familiar to us, "Ose sholom binromov hu yasase sholom Olaynu v'al kol yisroayl v'imru omayn." And at the end, which was a beginning, he shook hands with Arafat, symbolizing a time for change and peace.

Immediately after the signing, Brian Lurie, executive vice president, United Jewish Appeal, Joel Tauber, president, United Jewish Appeal, and I, flew to Israel and met with the Prime Minister to define UJA's role in peace. He was very clear about our responsibility to Aliyah and Klitah (immigration and absorption). After watching the historic vote in the Knesset, we took the message back to America. Our meeting with Mr. Rabin once again demonstrated his ties as well as expectations vis-a-vis Jews in the Diaspora. From that moment, Mr. Rabin was under a different kind of pressure. Every time an Israeli died or was injured in a terrorist attack, it was like losing his own child. He despised fanaticism and terrorism by all people. There were no distinctions between Jews and non-Jews. The Baruch Goldstein event was a tragedy for him, not unlike any Arab terrorist activity.

My image of Prime Minister Rabin is that of a shy man. One who preferred not to make speeches. He was direct and focused—yet one could sense his strong feeling and sensitivity every time he spoke. If you were fortunate to be with him in a small group, it became even more evident how bright, intelligent, sharp and knowledgeable he was about any subject. It did not matter whether it related to the United Jewish Appeal, the Jewish Agency for Israel, or any other subject matter, the Prime Minister would always offer a solution. Peace was his focus. It impacted on all of the issues that he talked about during his campaign and his term in office—the economy, immigration and absorption—as well as the social issues of the country.

A year ago, I heard the Prime Minister speak at a meeting in London. That evening, he recounted a number of significant events of the week. He spoke of the arrival of the Chief Rabbi of Syria, marking the end of a movement to free Syrian Jews, as well as the signing of the Jordanian Peace Accord in Arava.

But he spoke most emotionally as he recounted the shiva call that he had made to the family of Nachon Waxman. I saw his tears and pain as he described the attack

that he authorized in an attempt to release a Jewish hostage.

There were many meetings over the last three years—from the day after he won the election, to our meetings in Washington several days ago. He was always focused, determined and very clear about his mission. However, one could see the passion and compassion that this great man possessed. He knew, and so did we, that he was making great progress on the road to peace, albeit with great sacrifice and pain. He was deeply hurt by the demonstrations and personal attacks on him by the right wing in Israel and America. But he was a man driven by his desire for peace. He did not want the children to die in a war. Little did he know that he would give his own life for peace. Yitzhak Rabin was a warm, caring man—a husband, father, grandfather, and a friend. He loved his country. He loved Jerusalem.

On October 25, in Washington, D.C., in the Rotunda, how proud I was when the Prime Minister spoke about "my Jerusalem." His words were those of a poet. How beautiful. How poignant. It really is his Jerusalem. That evening, he presented President Clinton with the Isaiah Peace Award on behalf of the United Jewish Appeal. It was truly their peace. The strong feeling of affection that they had for each other were very obvious.

At the funeral, I will always remember the siren blasting for two minutes. I watched Israelis, dignitaries from around the world, and representatives of world Jewry, as they bowed their heads in sorrow. His loss will be felt by all. When President Clinton walked by the casket and bowed his head, I cried. When I listened to Shimon Sheves, his granddaughter, and Etan Haber, I cried. The people who spoke reflected the true feelings of all of us, and all those from around the world honored him with their attendance, attesting to his greatness.

We appreciate and are grateful for having had him as our leader. Yitzhak, we will truly miss you—I will truly miss you. May your life and commitment to peace be an inspiration to all mankind.

VIEW FROM CALIFORNIA: THROW PEOPLE OFF MEDICAID TO MAKE THEM GO TO WORK

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. STARK. Mr. Speaker, the Republican budget cuts Federal support for Medicaid by an unprecedented $163 billion—over 10 times anything ever enacted by any Republican or Democratic President. The Republican plan achieves these savings by capping overall spending. This means that spending growth per beneficiary would fall from the current 7 to 1.6 percent annually—far below the rate of inflation. States cannot sustain coverage when Federal funds are increasing at only 1.6 percent per beneficiary. States will be forced to reduce benefits and/or provider payments and eliminate coverage for millions of people on Medicaid.

A recent column in the November 28 edition of the Sacramento Bee leaves me fearful for the poor in our California. The author, Mr. Dan Walters, was commenting on California's plans for Medi-Cal if the Republican welfare bill becomes law.

Currently, more than 5 million Californians receive their medical care through Medi-Cal. If the Republican welfare bill becomes law, California and other States will have to decide whether to maintain current eligibility and make up the shortfall with their own money or begin cutting caseloads. California may well slash Medi-Cal recipient rolls by hundreds of thousands.

The column reports that Eloise Anderson, California's social services director, is urging the Wilson administration to adopt a policy that would focus Medi-Cal benefits on some subgroups and deny benefits to others. She advocates a program of varying benefits that depends on one's suitability to obtain employment. Anderson is quoted as saying:

By denying or limiting Medi-Cal availability, families could be further encouraged to exercise personal responsibility and to obtain self-sufficiency through full or part-time work.

This philosophy is frightening. What will happen when a poor, non-Medicaid person gets sick? Won't those eliminated simply turn up in hospital emergency rooms? Are they supposed to go to work sick?

Ms. Anderson recommends cutting Medicaid for people on welfare or trying to leave welfare as a way to prod them into work. What if they have a minimum wage job—how much would it cost to buy a health insurance policy for a mother and a child? Is it realistic to expect that to happen? What about the extensive medical literature which shows that people who don't have health insurance tend to be sicker and less dependable workers? Are the types of jobs a welfare mom is likely to get the ones that offer employer-paid health insurance? Of course not.

The reduction in Federal support under the Republican plan could force States to deny coverage for nearly 8 million Americans in 2002 alone. California is considering a dramatic reduction in eligibility. How will other States respond? Will they also cut their program, to be competitive with California's reduced tax expenditures? Who knows—the Republicans have stripped away the Medicaid guarantee for the sick, elderly, poor, blind, or disabled. The States will have the choice whether to cover these vulnerable citizens. Statements like Ms. Anderson's point to a "race to the bottom"—a race which will leave the most vulnerable in our society sick or dead.

TRIBUTE TO LT. COLONEL PETER R. McCARTHY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. MORAN. Mr. Speaker, I rise today to recognize a long time friend and constituent of mine, Lt. Colonel Peter R. McCarthy, USMC, retired.

He has made an excellent transition from a Marine officer to a private sector businessman, providing continued support to the military, much of which is on a pro bono basis.

His philosophy is simply to pass on to the next generation for their benefit, all of the professional transition knowledge and know how that he has gained. He has been highly successful in this regard.

I am placing in the RECORD an article describing his efforts which appeared in a recent Washington Post Sunday magazine.

[From the Washington Post, June 11, 1995]

BASIC RETRAINING

(By Brigid Schultz)

"In the '60s, '70s and '80s you could carpet-bomb the marketplace with résumés and get a response." Peter McCarthy is conducting a briefing. "You could shoot a shotgun in the sky and ducks would come down." His voice is loud though his audience is small. "You could spray machine-gun fire and you'd get a hit." Eight officers are sitting posture-perfect behind oversize cards with names like Warren, Dick and Mark scrawled in big letters.

"Today you've got to be an Olympic rifle shooter." McCarthy's voice quiets and his face grows stern. "You've only got two magazines." He slams an imaginary cartridge into an imaginary rifle and holds it to his shoulder. He squints one eye, takes a step forward and aims. "You pick your targets, and boom!" He pulls an imaginary trigger. "Into the black, boom!" He fires again. "Into the black. Every time."

The officers—seven men and one woman—nod solemnly. They have reported to this room at the Radisson Executive Retreat Center in Alexandria expecting grim news, and they are getting it. The U.S. military is downsizing. These officers—Army colonels, Marine Corps majors and Navy captains—will be among those to go. They have come to learn how to search for a job.

As McCarthy's report sinks in, some of them twist their bulbous service-academy rings and stare out the window.

"P and L." He is pacing in front of them. He served in the Marine Corps for 20 years, some of them in Vietnam. "To you, that has meant professionalism and loyalty. But in the private sector, it's the 23rd of December, you've got a number of kids, and on your desk you find a pink slip. There's P and L for you: profit and loss. A knife in the back. . . You guys are so used to knowing who's in the next foxhole, counting on him, that you've got a built-in naivete."

McCarthy has made his own foray into the private sector as a consultant specializing in helping service personnel cross to the other side. Many of them have been in uniform since the day they got out of school. Most of them are only in their forties. After 20 years in, they can draw a pension of half their base pay; for people with children and mortgages, that isn't enough. Civilian firms are eliminating the middle-management jobs for which they would be best suited.

"There's a psychological bridge between you and the private sector. At the top of the bridge is a granite wall 12 feet high and 12 feet thick. Once you walk over that bridge, it's a whole different culture. . ."

The first lesson is in "creative research." Before the officers arrived, they were asked to fill out a form titled "Understanding You." McCarthy asks them to identify their hidden skills, assets and interests that may translate to a civilian enterprise. "If you were recruiters, you're great salesmen," he says. The group brainstorms about growing opportunities in law enforcement, leisure, finance. "Child-abuse counseling seems to be a growth industry," offers one Marine colonel. McCarthy hands out a reading list: *Age Wave, Megatrends 2000, Powershift, What Color is Your Parachute?*

For the "primary attack," he says, you have to research companies, figure out what they need and tailor your résumé, appearance and demeanor to fit. But don't be too hasty: Get your act together first.

"Look, you're a battleship heading up this way." He draws a pencil-shaped ship steaming head-on toward enemy targets. "I don't want you to fire now. You've got one gun firing at the target. Instead, I want you to come here." He positions the ship closer to the target and swings it around, broadside. "Fire all your guns at all the targets. Mass your fire, just like a column of artillery. Get ready, get organized and—boom!"

Networking is next. McCarthy tells them to run their friends, family, neighbors and acquaintances as if they were intelligence agents, using them as "listening posts" doing "recon" on the marketplace. Their "secondary attack" is to "explode" these "intel" networks, adding more and more listening posts to report back to them.

Then, résumés. McCarthy tells them not to use acronyms like CINCEUR and JIB and LANTCOM. Instead of saying Marine Corps, say "large international organization." He turns to the board and begins writing an outline: Situation. Goals. Parameters. Execution. Administration. Control. "This look familiar to you guys?"

Relief washes over their faces.

"This plan was used by Moses to cross the desert, by Arthur Andersen to expand globally, and by Norman Schwarzkopf to go into Kuwait." It is the field order that the military uses for combat and just about every other situation. McCarthy takes them through it point by point, and after "Control," he also asks them to add a "love statement"—family considerations.

After lunch, the officers study how to dress. For this representatives of Nordstrom has been enlisted to outfit some mannequins with dark blue and gray suit coats, red patterned ties and braces. McCarthy shows off his own Hickey-Freeman suit and wingtips.

They start with the basics: Never wear a brown or olive suit to an interview. Never wear a plastic running watch. Do wear pressed French cuffs with gold cuff links, but skip the monogram. Do wear natural fibers . . .

The officers are scribbling in their briefing books.

. . . Never wear pilot's glasses or shoulder pads. Always wear over-the-calf socks. Unbutton your suit coat when you sit down so the collar doesn't ride up. Get used to clothes that fit more loosely than your uniform. Do not accent your new suit with Corfam military shoes.

Next, interviewing. McCarthy's first advice is to scope out where you're going the day before. "It's just like in an operation. I can remember in Vietnam, if you could go out and helicopter along the line—you've been out there, you've seen it, it makes you more comfortable when going out on attack."

And loosen up: No more yes sir, no ma'am. Get rid of the 82nd Airborne Shuffle or the Eighth & I Walk. "You're no longer the captain of the fleet on the bridge. You need to soften up." But not too much: "They may be waiting to hear your spouse say, 'Joe's worked so hard in the Army, he's ready to take his pack off'."

Recon your interviewer. Maybe he protested against the Vietnam War. Maybe she thinks military personnel are automatons. "Assess the situation, suck up to the ego if you have to. You guys are flexible enough to adjust, because that's what you do on the battlefield."

He closes the seminar day with tips on writing thank-you notes and negotiating compensation. The officers have two more days of this to go, and already they look worn out.

TRIBUTE TO REV. RUBEN DARIO COLÓN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Rev. Ruben Dario Colón who was honored on Sunday by members of the community in celebration of his 45th ordination anniversary at the Resurrection Lutheran Church in the Bronx.

Reverend Colón has lived a life of help those who have needed him. His long and fruitful career as a pastor, counselor, police chaplain, and community activist has touched thousands of individuals in our community.

Born in Puerto Rico, Reverend Colón spent most of his youth on the island. He attended the University of Puerto Rico and in 1947, he married Ms. Ramonita Orabona with whom he had a son and a daughter. Years later, he came to the United States and obtained a bachelor's degree from Alelphi University. He also holds a master of divinity from the Lutheran Theological Seminary and completed courses at Fordham University.

Reverend Colón has served as pastor in many Lutheran churches in New York, including the Bronx Evangelical Lutheran Church of the Resurrection which he leads today. His ministry is faithfully committed to bringing spiritual enlightenment to the community.

As a psychiatric social worker, Reverend Colón has provided psychiatric therapy for adults and families at many institutions, including Covenant House, the Bronx Psychiatric Center, and the Puerto Rican Children Hospital. He also serves as chaplain at the Veterans Administration Hospital and is a member of the board of the Morrisania Diagnostic and Treatment Center of the New York City and Hospital Corporation.

Among the many honors bestowed upon him, Reverend Colón was sworn in as chaplain of the New York City Police Department with the rank of inspector by former Police Commissioner Benjamin Ward. He is also the first Puerto Rican to receive the Silver Medal of the Academic Society of Arts, Science and Literature of France.

Mr. Speaker, I ask my colleagues to join me in recognizing Rev. Ruben Dario Colón for his remarkable career serving the community and bringing hope to the many individuals he has touched.

LEWIS AND EULA ALLEN CELEBRATE THEIR GOLDEN WEDDING ANNIVERSARY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mrs. MEEK of Florida. Mr. Speaker, I rise to pay tribute to a wonderful couple in my district whose exemplary lives evoke the kind of family values and commitment this Nation can really be proud of. Lewis and Eula Allen, an extraordinary couple, celebrated their 50th wedding anniversary last November 29, 1995.

There are two individuals who genuinely epitomize the down-to-earth human qualities that ordinary Americans, the unsung heroes and heroines of our Nation, have always engendered into their children since time immemorial. I would not feel right at all if I did not share with the Congress the hallmark of excellence and commitment that this couple left to consecrate their godly home in the service of our fellowmen. The Allens are residents of Dade Country since 1945. Into this union were born four God-fearing children, Louis Larry, Francina, and Linda, who is now deceased. Five grandchildren came to bring more joys into the Allen household, Jacob, Maya, Emory, LaDona, and Louis.

A brief description of what this couple meant to the lives of their children is so compelling as to tug at the heartfelt simplicity and awesome beauty of what countless families all over America give to their children daily, nurturing them into becoming responsible, conscientious, and productive members of society. To the Allen children, Lewis and Eula, transformed their home into as oasis of love and support and encouragement. Incessantly they prayed to have God bless their parents to weather the storms and obstacles that mark up life's vicissitudes.

With this basic belief the Allens consecrated themselves to rearing their children. As their daughter, Francina, put it succinctly, "* * * mother represented the integrity of God." It was she who instilled Judaeo-Christian principles and demanded moral excellence at all times. "Mother was our role model," she continues, "and exacted from us to do right, to be good and tell the truth—come what may."

Academic achievement in the pursuit of scholastic excellence was very important to the Allens. Mediocrity was unacceptable. The Allen children were taught to strive to be among the best. While Eula taught her children these life-long lessons. Lewis nurtured in his children's malleable minds social development and political awareness. It was Lewis who sacrificed to bring his children to PTA meetings, and chaperoned their school field trips, took them to football games, and all sorts of kiddie parties as well as taught them how to handle money by bringing them to Burger King on Fridays.

When election time came Mr. Allen, who read the newspaper daily, would gather around the table his wife and children and discuss with them for whom they were going to vote. These family discussions enhanced the power of people's voting rights, especially when he impressed upon them that at no other time was equality exercised than during election time when the vote of the poor and the humble all over this Nation had the same worth as the vote of the rich and the powerful. As the children were old enough to exercise their right of suffrage, they looked forward to go to the polls and vote for their chosen candidates, knowing full well the issues and priorities on which they stand.

As we enter into the spirit of this holiday season, the Allen children are mindful of the

wonderful times they celebrate with their parents. They are deeply thankful of the gift of love God has showered them through the blessings of such noble parents. I know that there are countless more like the Allens across this Nation. But I am indeed honored on one hand, and humbled on the other, to have been equally blessed with having the Allens give me their trust and confidence in representing them in the hallowed halls of the Congress. Truly it is people like the Allens that dignify my role as a public servant.

To Lewis and Eula Allen on their golden wedding anniversary, I say: "Warmest congratulations and best wishes. May God shower you with many more years to grace your wonderful union."

I would like to share with my colleagues a recent article that appeared in the Miami Times celebrating Lewis and Eula Allen's 50th wedding anniversary.

[From the Miami Times]

THE ALLENS CELEBRATE GOLDEN YEAR

(By Traci Y. Pollock)

They grew up together in a small Georgia town. They got married in their late teens and shared the good, the bad and the indifferent days.

And, through it all, Eula and Lewis Allen, both 69, have stayed together, comfortable in each other's company as they grew older.

This Wednesday they celebrated their 50th wedding anniversary.

"At my age," joked Mrs. Allen, "there's no sense of my quitting. I know what I got. I don't know what's out there."

"When you got a good wife, keep her," advises Mr. Allen.

"And she's a good cook and she keeps a good house," Mrs. Allen interjects with a slight laugh.

"She's a good everything," Mr. Allen continues, "If you ask about her shortcomings, I haven't gotten to them yet. I believe through that what the Lord put together let no one separate us."

The Allens grew up together in Andersonville, Ga., population about 900. At age 19, they married and, a year later, left their closely knit community where everyone knew each other by first name.

Mrs. Allen wanted to move to Cleveland, Ohio, where her elder brother lived, But, in 1946, the couple decided to move to Miami, where her sister and two brothers resided.

She said that every once in a while she gets a chance to go up North.

"We used to work together, play together and went to school together in Georgia," Mrs. Allen said. "We really got together when he was traveling while in the service. We did more communicating then. Then, when he got out, we courted for three years before we got married.

"I had some rough days when I came to Dade County. But I made up in my mind I was going to go through it. I was going to stay hold of my vow, I was going through it, I wasn't going around it or by pass it.

"I made it this far with God's help. I told Him what I wanted to do and that I would need His help. And since I chose to live my life for the Lord, God saved me. And that should be for anyone who wants to do something; they have to make up in their minds to do it.

"I had a lot of sad days, happy days and bad day. We've fussed. We've fought But I just put them all together and stuck hold to him. And he's been the only man in my life.

"I had desires. There were times I wanted to give it up but I would think about my vows, 'for richer or for poorer, through sickness and in health, 'til death do us part.' And he sure ain't rich. He's poor."

Mr. Allen said there was one occasion "when we had come near to separating."

"That was when I had just left the Army and I wanted to move somewhere it wasn't cold. She wanted to go North and I wanted to stay South. I probably would have done better up North, though, but I just don't like the cold weather."

Mrs. Allen describes her husband as an honest and hardworking man, who did not have to rob or steal to provide for the family.

And he says he stayed with his wife because of her positive qualities and her caring ways.

Staying together, they have seen their children, Louis, Larry, Francina Bolden and Linda Mays grow to become productive residents of Dade County. They have watched their grandchildren, Jacob Goldwire, Maya Mays, Ladonna, Emory and Louis James Allen attend school and become active in their community.

And they renewed their marital vows in 1989, on their 44th anniversary.

Asked why they did not wait until their golden anniversary, Mrs. Allen replied with a laugh, "We didn't know we would live that long."

AMERICA'S TRAVEL AND TOURISM INDUSTRY: CONGRESSMAN ROTH'S VISION

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mrs. VUCANOVICH. Mr. Speaker, last January the members of the Congressional Travel and Tourism Caucus selected Congressman TOBY ROTH to be its new chairman. The wisdom of our choice is underscored by the fact that just 11 months later, TOBY ROTH has doubled the size of the caucus, to 305 members. Travel and Tourism is now the largest caucus in Congress.

This is but one measure of TOBY ROTH's tireless efforts to invigorate the caucus and to provide our Nation's $400 billion travel and tourism industry with an effective voice on Capitol Hill. I applaud Chairman ROTH's efforts, because the travel and tourism industry, as vibrant as it is, very much needs an effective advocate within the Congress.

It is clear that with TOBY ROTH's energetic leadership, the caucus will meet this need. This same judgment also has been reached by the leadership of the travel and tourism industry. Two weeks ago, Congressman ROTH addressed the annual meeting of the Travel Business Roundtable, which is comprised of the Nation's top 100 travel industry executives.

TOBY ROTH's speech sets forth a clear vision and specific goals for the travel industry, our Nation's second largest employer. I urge all Members of the House to read his insightful address.

REMARKS BY CONGRESSMAN TOBY ROTH

It's an honor to be here, because in this room, we have the leaders of America's fastest growing, most dynamic industry. Last year, your companies brought in $400 billion in revenues. That makes travel and tourism the second-largest industry in America.

The 44 million international visitors that come to use your facilities bring in $78 billion in revenues. That means you generate 11 percent of all our exports. You employ 6 million people directly. And another 7 million jobs depend on you. So you account for 13 million American jobs. Do you know that today, there are 40 million children in this country under the age of 10. Over the next two decades, we have to find jobs for these people, or we will face a social and economic catastrophe.

When people ask where the jobs will be in the 21st century, the answer is: Travel and tourism. So you are vitally important to our country's future—and that's no overstatement. These figures are impressive, but when I say you are the most dynamic industry in America, I am really talking about you, as business people, as industry leaders and as a real force in the American economy. That's what has always impressed me about travel and tourism—the people.

What's more, that is what is attracting so many Members of Congress to our Travel and Tourism Caucus. In January, when I became chairman, we had 127 members. Today, we have 305—making Travel and Tourism the largest caucus in Congress. We have had an aggressive organizing effort these past 10 months. But what has brought us the new members is really your industry. And on behalf of the caucus, I want to tell that we are ready to work with you.

But my friends, I must tell you something that you may not realize about your industry. After having worked for years in Capitol Hill for travel and tourism, I have come to the realization that the industry is a sleeping giant. The whole is not the sum of its parts. How many people in America know how big you are? How many Americans realize that you are the Nation's second-largest industry? And how many people in the media are writing about travel and tourism as the key element in our future economic growth? The answer is, not enough.

That's what makes this organization so important. Simply put, the industry needs you, and we in Congress need you. That's not to put down the current industry representation in Washington. Travel and tourism has a number of very effective voices in Washington, both in the companies and in the associations. I know them and I work with them. But the Travel Business Roundtable brings an ingredient that, frankly, has been missing: the active involvement of the industry leaders.

We need a sharper focus on a few top priorities. We need the clout and the access that you bring. And we need the visibility, in the media and in the Halls of Congress, that only top executives like you can attract. It is your active involvement that will set the roundtable apart—and make it an effective force for the industry. Later on in the agenda, you will focus on setting a couple of priorities. I think this is a wise course.

Success will come by taking a couple of issues—issues that really mean something to the industry—and concentrating your time and energy on winning those points. It's the same principle that each of you follows in your own business: focus, concentrate and win. Today I want to suggest what one of those priorities should be, and to propose a game plan for success. As we look to the future, the key question is: where will the growth come from? Today, travel and tourism is a $400 billion industry—that's 6 percent of our GDP. Our task is to work together to insure that you become even bigger.

To reach that goal, the international market is critical. The industry cannot rely on the domestic travel market alone. That's the underlying message of the White House conference. One of the key recommendations is to strengthen our promotional efforts in the overseas market. As you all know better than I, promotion translates into revenues.

The White House conference proposed a "public-private partnership". The idea is to combine together the creativity and talents of the private sector with the resources of government—local, State and Federal—to better promote the United States as a travel destination. This is an urgent matter. Two years ago, we had 18 percent of the world market. Today, we have 16 percent.

This year, we will have 44 million international visitors. That's down 2 million from just 2 years ago. Yet the world market is growing steadily. It has tripled over the last 10 years, and will double again in the next 10. So we are losing share in a growing market.

The bottom line is: The industry won't grow if we keep on losing ground in the international travel market. And the hard reality is, with our current promotion effort, our share will keep on going down. It is projected to keep on going down, to less than 14 percent by the year 2000.

So the question is: How do we turn this around? And the answer is clear: A stronger, more creative promotion campaign. After all, we are being outclassed and outgunned by all of our major competitors. Our tourism promotion budget is $16 million, a small fraction of what European countries spend. And we see the result in our declining market share. So the partnership concept was developed and ratified at the White House conference. I have taken that concept and drafted a bill.

In your folder, you have a copy of the bill, a summary and my comments from the Congressional Record. We already have support from the Clinton administration. And, thanks to an effective job by Tom Kershaw, Jon Tisch, Darryl, and a few others, we have support from Newt Gingrich and Bob Dole. But to get something enacted into law, much more needs to be done.

This is where you can play a key role, on a proposal that will bring tangible results to the industry. Now, you are all business people. That's where I come from—a business background. So I thought you would appreciate having a specific proposal for how the roundtable can play the critical role in winning enactment of this legislation. In your folders, you have a one-page "Game Plan for Enactment" of the Travel, and Tourism Partnership Act. This lays out a strategy for winning enactment of the partnership plan by next summer. This game plan will work, if we work together and make this a priority.

The plan is to kick off the campaign with a big hearing by my subcommittee and the other House panel which has jurisdiction. This hearing is already in the planning stages. We would use this hearing to demonstrate what we could achieve through the partnership—in other words to show the kind of sophisticated, effective promotional effort that the private sector can produce. Building on that hearing, we would work together to corral the votes to get our bill through the two House committees and onto the House floor.

Just prior to the House floor vote, we would have a concentrated day of Capitol Hill visits by industry leaders. Once through the House, we would use the same strategy in the Senate, working with Senator Bryan, who is our lead Senate sponsor. The idea is to use your contacts and clout at the key points in the game. It would require two visits to Washington and some phone calls at the right time. The bottom line is that a well-conceived plan, together with a modest investment of your time and effort at the right points will win the game.

Let me close with a business proposition. If you will adopt this as a priority for the roundtable and make a commitment to this plan, then I will devote myself to this project in Congress. Together, we can win and achieve something that will bring credit to you and the travel business roundtable—and will be a major achievement for the future of the industry. If travel and tourism is a sleeping giant, then it's time for us to wake up that giant.

Together, we can make a difference for this great industry, for the millions of Americans who work in you companies, and for our country's future.

AMERICA WELCOMES PRIME MINISTER PERES

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. ROEMER. Mr. Speaker, I rise to welcome the remarks made earlier today by Prime Minister Shimon Peres before the joint session of Congress.

In appearing before the joint session, Prime Minister Peres joins a small group of foreign leaders who have been asked to speak before the combined House and Senate. Mr. Peres richly deserves this honor. He is the leader of Israel, one of our most important allies, and he now bears the heavy burden of following the footsteps of Yitzhak Rabin in promoting a strong Israel and a lasting peace in the Middle East.

While listening to Mr. Peres's tribute to Prime Minister Rabin, one could not help but remember the great loss suffered by the people of Israel and the cause of peace.

Although Rabin's leadership is sorely missed, I take heart in the thought that the cause of peace continues. Indeed, our most fitting tribute to Mr. Rabin would be a continued effort to promote peace, democracy, and freedom in the Middle East and across the globe.

The United States and Israel must continue to work together toward a brighter future; a future of peace and security. Israel, our steadfast ally in times of peace or war, deserves our strong support in pursuing this goal.

There is now a new impetus toward peace in the Middle East. We should not miss this opportunity to end the hatred and violence that have plagued that region. This would be a fitting legacy to Yitzhak Rabin and everyone who has sacrificed for a just peace.

IN HONOR OF FRANCIS ALBERT SINATRA ON HIS 80TH BIRTHDAY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Hoboken's favorite native son, Francis Albert Sinatra, who will celebrate his 80th birthday on December 12, 1995. No voice in America today brings with it more sweet memories.

No speech could possibly do justice to the "Chairman of the Board." Sinatra has redefined American popular music with such classics as "Strangers in the Night," "Summer Wind," "The Lady Is a Tramp," "Witchcraft," "Young at Heart," "My Way" and countless others. Every generation of Americans from the late 1930's onward has been wowed by his magnetic voice and unique ability to tell a story through his music.

In addition, to a spectacular singing career, Sinatra has distinguished himself on the big screen, with starring roles in "The Manchurian Candidate," "From Here To Eternity" and "Pal Joey." His performance in "From Here to Eternity" earned him an Academy Award for Best Supporting Actor in 1953. Prior to that, Sinatra earned a special Oscar for "The House I Live In," a sensitive documentary that made an eloquent plea for an end to all prejudice.

His accomplishments in the field of entertainment are legendary, but of equal importance, although less well known, are his charitable and philanthropic work. He has performed benefit concerts for among others, the Red Cross, the Palm Springs' Desert Hospital, the New York Police Athletic League, Cabrini Medical Center, the World Mercy Fund, and the National Multiple Sclerosis Society.

Frank Sinatra is a cultural icon, but even more than that he is a hero to millions of Americans of all races and nationalities, most particularly, of course, to Italian-Americans. Please join me in honoring a true American legend, who will always be an honorary citizen of Hoboken and the 13th Congressional District, on his 80th birthday.

COMMEMORATING THE LIFE OF DR. G.K. BUTTERFIELD

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mrs. CLAYTON. Mr. Speaker, on Tuesday, November 28, 1995, at 2 p.m., the family and legions of friends gathered to acclaim the life of their beloved, Dr. George Kenneth Butterfield. A near centurion, he spent 95 years of life before God called him to rest and to reside in a place of total peace.

I regret that official business did not allow me to attend the celebration of Dr. Butterfield's life, however, he has left a lasting impression on me, and the principles which guided him now serve as guideposts for those he leaves behind.

Dr. Butterfield began his legacy in a foreign land, when he was born in St. George's, Bermuda, on February 9, 1900. He left Bermuda

in search of a better life and migrated to the United States. He soon enlisted in the army and served in World War I before being honorably discharged on March 18, 1919. During his service, in the midst of a bitter, cold winter, he fought at the battle of Alsace-Lorraine in France.

Following military service, he attended and graduated from Shaw University in Raleigh, NC, and later attended and graduated, with a doctor of dental surgery degree, from Meharry Medical College in Nashville, TN. Upon graduating from dental school, however, he was not able to afford the equipment to establish a dental practice, and he worked for a period of time in maintenance at a hotel. Fate, however, joined him with an aging dentist in Henderson, NC, and a dental practice which spanned 50 years was launched.

An advocate of justice, equal treatment and fair play, Dr. Butterfield was on the cutting edge of many important changes throughout North Carolina. He fought for integration, pushed for voting rights, led the way in opening up employment opportunities and still managed time for important civic duties. Through it all, he remained a caring friend, a devoted family member, a loving brother, a committed father, and a dedicated husband.

May God comfort and help his family and friends to hold on to treasured yesterdays; and reach out with courage and hope for tomorrow, knowing that their beloved is with God. Death is not the end of life. It is the beginning of an eternal sleep. Rest, Brother George, you have labored long.

LEBANON MAYOR KENNETH COWAN DIES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. SKELTON. Mr. Speaker, a leading Missouri citizen, the mayor of Lebanon, and a good friend, Kenneth Cowan, died October 17, 1995. He was 79 years of age. During his tenure as mayor, Cowan led the city of Lebanon into an era of major growth. He was known for his vision and devotion to duty.

Cowan had served on the city council during the administration of mayor Wallace Earp. Earp resigned on April 18, 1977, and Cowan was elected mayor in a special election on June 7, 1977. He was re-elected to office in 1980, 1984, 1988 and 1992.

He was born in Richland, Missouri where he graduated from high school. He attended Southwest Missouri State University in Springfield and served in the U.S. Air Force during World War II.

Cowan entered into public service in Richland in 1948 when he was elected to the city council. He served in that capacity 10 years. He moved to Lebanon in 1958 and bought Burley's Department Store, which he operated until he was elected mayor.

During his years in office, he received the support of Lebanon voters on key issues including a sales tax, transportation sales tax, and a capital improvements sales tax.

Mayor Cowan set a high standard for public service. His ability to lead and to get things done for his community should inspire those who follow. The people of Lebanon have lost an exceptional leader, and I have lost a friend.

DEVELOPMENTS IN LEBANON

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues a recent exchange of letters I had with the Department of State regarding the situation in Lebanon.

I wrote the State Department October 27 to express concerns about the extra-Constitutional means used to extend the term of the President of Lebanon and the role of Syria in this matter. The State Department replied December 5 indicating that our concerns over interference in Lebanon's Democratic processes have been expressed directly to the Syrians.

The correspondence follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, December 5, 1995.

Hon. LEE HAMILTON,
House of Representatives.

DEAR MR. HAMILTON: On behalf of Secretary Christopher, I am writing in response to your letter of October 27, concerning the extension of Lebanese President Harawi's term and other developments in Lebanon.

We share entirely your view that our interests are served by a free and independent Lebanon, and we have firmly maintained that no peace in the Middle East will be lasting or comprehensive without an agreement between Israel and an independent Lebanon. In an effort to support this objective, we continue to do much to further Lebanese political reconciliation and lend support to the reconstruction of Lebanon's economy and institutions. Last year, we provided Lebanon approximately six million dollars in development assistance and half million dollars to support military training.

We agree that the growth of Lebanon's democratic political institutions requires free elections which the Lebanese people believe to be credible, and the results of which can be accepted as credible. We have made this point very clear in public positions, and directly to the Governments of Lebanon and Syria. Indeed, Secretary Christopher's concern over interference in Lebanon's democratic process led him to make this point personally at senior levels of the Syrian government, as did other senior U.S. officials in the period leading up to President Harawi's extension. Despite our interest in maintaining Syrian engagement in peace negotiations with Israel, we are not conditioning our policy toward Lebanon on Syrian reaction.

Prime Minister Rabin's recent, tragic death only underscores the fragility of the process we wish to advance in the Middle East. But, as important as we hold the freedom and independence of Lebanon, this is not a goal we can pursue in a vacuum. Lebanon's future, its stability and independence, can only be assured through broader progress toward extending the circle of peace in the region.

We look forward to working with you and other members of Congress to ensure such progress, in Lebanon and the region, during the important year ahead.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES,
Washington, DC, October 27, 1995.

Hon. WARREN CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY, I write to express deep concerns about recent developments in Lebanon and to urge you and the President to speak out publicly in opposition to recent political developments in that country.

The Syrian decision to push for extra-Constitutional means to extend the term of President Harawi for three years undercuts Lebanon's independence. In addition, such a term extension will not be viewed as credible by a majority of the Lebanese people of all faiths who want to preserve Lebanon's independence and who wanted free elections this fall.

There are steps which the Lebanese can and must take to insure their future as a free and independent state. The national interest of the United States is served by a strong, free, and independent Lebanon. Conversely, our national interest is not helped when Lebanon is weak and its independence compromised. Therefore, I believe that it is incumbent upon us to disassociate ourselves from, and express opposition to, such manipulation of the political process in Lebanon. Millions of Lebanese inside the country, and around the world, are looking to the United States for leadership. Silence will send the wrong message to the entire region and only further undermine Lebanon's position.

Lebanon's independence will be eroded if the United States is silent when that very independence is threatened. The Taif Accords became dead letter in part because the United States did not speak out for implementation of the Accords when Syria moved to undercut them. We now risk further undermining that independence again.

United States policy toward, and statements on, Lebanon should not be conditioned by what we think might be the reaction in Syria. We should be acting on the basis of our own interests and what is best for Lebanon and the Lebanese people. On the face of it, this action to extend the President's term does not promote democracy in Lebanon, and it goes against the wishes of the people. It should be condemned for what it is.

I appreciate your consideration of this letter and hope the United States will speak out on this matter.

With best regards.

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

IN HONOR OF MARIE BOLLINGER VOGT FOR HER PRODUCTION OF "NUTCRACKER" BALLET

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Ms. KAPTUR. Mr. Speaker, for 55 years in Toledo, hundreds of young boys and girls have danced and scampered across area stages and dozens of principal dancers have graced the stage with their artistry in a yearly production of "The Nutcracker" ballet. Thousands of northwest Ohioans have delighted in the Christmastime event. A production of enormous proportion has been given to us through

the vision and talent of one woman, Marie Bollinger Vogt, who I rise today to honor. This year's production will be her last. Marie is retiring as the artistic director of the Toledo Ballet Association, which she founded.

Intent on imbuing her own love of dance into youngsters, Marie founded the Toledo Ballet School over 50 years ago. Under her direction, the company has performed hundreds of productions throughout our region, "The Nutcracker" being its premiere performance. During her tenure, Marie brought to the school not only her own creative choreography but also that of internationally famous artists. She also brought to northwest Ohio world renowned dance companies and performers.

Altruistic as well as artistic, under Marie's direction, the Toledo Ballet Association is involved in community service. The company stages free performances in the schools and local public housing authority. One performance of "The Nutcracker" is presented at no cost for children. Scholarships are provided by the school for children who could not otherwise afford lessons. These acts are surely fueled by Marie's passionate desire to inspire dance in young people.

Although retiring as artistic director of the Toledo Ballet Association, Marie intends to continue in her first love, that of teaching, and will remain the Toledo Ballet School's director. She also begins the ambitious project of bringing to fruition her lifelong dream of building a professional ballet company in Toledo.

In this, its 55th year, many of Marie's former students are returning to dance under her tutelage one last time. The 1995 "Nutcracker" performance will be a reunion for all who studied dance under her direction. Such a tribute gives testament to her teaching and quiet inspiration.

We thank Marie Bollinger Vogt for her yearly Christmas gift to all of us in northwest Ohio; a family evening lost in the enchantment of "The Nutcracker," her legacy.

HONORING THE RETIREMENT OF WALTER B. KIRKWOOD

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. LEACH. Mr. Speaker, today I would like to salute on the true professionals who has represented his employers' interests before Congress for almost four decades. At the end of this month, Walter B. Kirkwood will be retiring after 37 years of service in the banking industry. During this period, Walter has always conducted himself in a way that does credit to his employers and also reflects a broader concern for the public interest.

Many of us came to know Walter's work and appreciate his low-key style over the many years that represented Banc One Corp. of Columbus, OH, as vice president, government affairs, and earlier while he was governmental affairs representative for American Fletcher National Bank in Indianapolis prior to its acquisition by Bank One Corp. Most recently, Walter has been ably representing Bank One Indiana Corp., the successor to American Fletcher in Indianapolis.

Walter has made many contributions to the furtherance of constructive banking legislation. Among his most signal efforts was his active involvement during 1993–94 in the interstate banking and branching bill, while his boss, John B. McCoy, chairman of Banc One Corp., was serving as chairman of an industry task force on the legislation. Walter also worked successfully on key parts of the Federal Deposit Insurance Corporation Improvement Act of 1991 and several important provisions of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, to mention two other occasions when Walter's knowledge and ability came into play to produce outcomes which had the effect of modernizing America's financial services industry.

The fact that Walter combines the best attributes of a vigorous advocate representing his company's and his industry's interests, coupled with a keen concern for the public interest, is attested to by the fact that he has been widely honored by his peers. Walter served as chairman of the Government Relations Committee of the former Association of Bank Holding Companies as well as chairman of the Legislative Liaison Advisory Committee [LLAC] of the American Bankers Association, a position he currently holds.

On behalf of the Committee on Banking and Financial Services, I would like to thank Walter for his thoughtful advice over the years and look forward in keeping in touch.

UNICEF SAVES THE LIVES OF CHILDREN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. GILMAN. Mr. Speaker, on Monday, December 11, I was privileged to participate in a ceremony at the Lime Kiln Elementary School in my district in Rockland County to celebrate the 50th anniversary of the founding of UNICEF, at which I made the following remarks:

Today marks the 50th anniversary of the founding of UNICEF, one of the world's most effective organizations for saving and improving the lives of children who are at risk. At a time when the role of many international organizations, including the United Nations itself, is under scrutiny, there is no question about the role of UNICEF.

The years since its founding have seen great strides on behalf of children in health, nutrition, education and child rights. Thanks to UNICEF programs, two and a half million fewer children are dying annually from malnutrition and disease than died in 1990. The number of children who will be disabled, blinded, crippled or mentally retarded is down by 750,000.

Primary school enrollment has gone from 48 percent in 1960 to 77 percent this year, child immunization rates have gone from less than 10 percent in the late 1970's to 80 percent in most countries, and polio, once a scourge of children, is nearing eradication.

As we address the crises in hunger, health and education that beset the world's children, we are improving the circumstances for their parents, as well.

Our progress towards achieving democratic societies will be limited as long as a quarter of the world's population is unable to meet even its most basic human needs. Absolute poverty, which deprives people of their human rights, their dignity, and a voice in the affairs of their society, ultimately is a major obstacle to democracy.

That is why it is so important to recognize that America has vital interests abroad that are advanced by our foreign aid program.

It is in the interest of every American to help avoid and to redress human rights disasters such as we have seen in Somalia and Bosnia. It is clearly in our Nation's interest to see incomes rise in developing countries so that they can afford to buy our exports.

It is in the interest of every American to help countries become economically and politically stable so that we can avoid being drawn into armed conflicts.

UNICEF's programs are now saving millions of children's lives each year. Other powerful and tested strategies that reduce hunger and poverty—such as microenterprise—are also available and affordable to most developing countries.

Rather than merely reacting to situations after they become critical, we now have the opportunity to make effective social investments that can convert despair into hope and prevent future crises while building healthy, stable societies.

That is why UNICEF remains one of the most effective arguments in favor of foreign assistance, and I am pleased that, despite budgetary reductions in other areas, we have been able to provide for an increase in the U.S. contribution to this very important agency, so that it can continue the good work that it began 50 years ago today.

A TRIBUTE IN MEMORY OF GUADALUPE MONTOYA

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. DOOLEY. Mr. Speaker, I ask my colleagues to join me today in remembering Guadalupe Montoya, a special woman from my district who died recently after years of contributing to her community.

Lupe came from a family that has roots in California dating back to the early 1800s. Although born in Texas, Lupe's family returned to Southern California in the 1920s, where she spent most of her life. Despite a limited knowledge of English and only an eighth grade education, the example of community activism she set instilled in her children and her neighbors a desire to take part in the political process that endures to this day.

As a neighborhood campaigner for a young Edward Roybal—then a candidate for Los Angeles County Supervisor—Lupe demonstrated how issues important to her Hispanic community could be addressed through political activism.

By trade, Lupe was a seamstress and had several important clients from throughout the Los Angeles area. Along with her job, she managed to raise five children who have become active in their own communities.

When Lupe retired, she became an active senior volunteer, receiving numerous certificates of appreciation from the City of Los Angeles. In addition, she earned a commendation from the California Assembly for her volunteer work. And she was recognized by the

United States Retired Volunteer Program and received a letter of congratulations from former Speaker of the House Thomas "Tip" O'Neill.

But perhaps the greatest testament to her legacy is the respect and admiration she commands among her friends and family, and the sense of community involvement she has left behind.

Again, I ask my colleagues to join me in paying tribute to the memory of Guadalupe Montoya.

RECOGNITION OF THE NEWPORT FIRE DEPARTMENT'S 100TH ANNIVERSARY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to recognize the Newport Fire Department—Station No. 5. Located in the heart of historic Newport, RI, Station 5 recently celebrated its Centennial anniversary with a weekend full of festivities.

Station 5 traces its roots back to 1794, when Company 5 was founded. During those days the Station was based on the corner of Spring and Mary Streets. Throughout the next 100 years, the Company would move two times before building its current home on West Marlborough Street. The West Marlborough Street location was dedicated on December 7, 1895, making it the oldest continually operated fire station in the city.

Included in the Centennial celebration was a dinner honoring the station and past members. During the celebration the same menu was served as the original dedication ceremony 100 years ago.

It is my pleasure to pay tribute today to the years of selfless, devoted service that Company 5 has given to the city of Newport.

YOU'RE A GOOD MAN, RAY MILAM

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues a unique individual who was honored this past weekend with a surprise appreciation dinner. That person is Raymond Milam. This tribute focused on Mr. Milam's role in the education of the children of New Jersey, especially those children living in urban areas.

Ray Milam coordinates the professional services of the New Jersey School Boards Association's Technical Assistance Unit. The unit helps the 30 special needs school districts identified in a New Jersey Supreme Court decision on the State's school funding laws. In addition, the Technical Assistance Unit services the remaining 32 urban boards of education in 17 of the State's 21 countries. Ray Milam is an active advocate and service provider for parents, children, and urban educators. Mr. Miram is a graduate of Hampton University. He received his graduate degree from the University of Iowa. Throughout his professional career he has been a teacher, consultant, trainer, local school district administrator, and State Department of Education director.

During his tenure with the New Jersey School Boards Association, Mr. Milam has had the opportunity to impact on our urban school districts in many positive ways. Understanding the special needs of our urban young people, he has been able to develop training programs that have helped sensitize members of school boards, as well as school administrators and faculty. More importantly, he has used his position to recommend and introduce highly qualified professionals to urban school districts which were looking for candidates to fill important vacancies. He has been particularly successful in matching school boards with superintendents in many urban districts around the State.

I wish I had the opportunity to share personally with my colleagues the wonderful thoughts, remembrances and sentiments that filled the program and "Memories to Cherish" booklet. It was evident from these expressions of friendship—personal and professional, respect, gratitude, and love that Ray Milam has truly earned and deserves the recognition he received on Saturday, December 9, 1995. What was mentioned time and time again was the gentleness of a man who has been able to consistently and clearly focus on the problem at hand and develop a solution where all are able to rededicate themselves to working for the benefit of our school children. When we talk of the measure of the man; in the case of Mr. Raymond Milam it is his strong commitment to helping our children prepare for responsible and productive citizenry in the 21st century.

Mr. Speaker, I am sure my colleagues will join me as I congratulate Raymond Milam for an outstanding career in the field of education and wish him and his family: his wife Jean Stewart Milam; his children Pamela, Maria and Kenneth; and his grandson Damon all the best in the future.

UNREASONABLE SHIPPING RATE PROVISION HARMS OFFSHORE AREAS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. UNDERWOOD. Mr. Speaker, I rise today to voice my concerns with the maritime provisions of H.R. 2539, legislation to abolish the Interstate Commerce Commission and the Federal Maritime Commission. As the conferees meet on this legislation, I urge them to strike the section defining a "zone of reasonableness" for rates.

This provision would allow carriers to raise their rates 10 percent per year, plus 7.5 percent in the version passed by the other body. Such increases would be deemed reasonable and no challenge would be allowed. It does not matter if costs decrease, the price of fuel is cut in half, more efficient ships can do the job at half the price, labor costs are significantly lowered, or economic factors cause all other prices to decrease.

To call this a zone of reasonableness is an oxymoron. I know of no other industry which is guaranteed a yearly increase of 10 percent plus inflation. I know of no other law that guarantees in statute a formula for increasing prices year after year. Such a guarantee is not a move toward deregulation of the transportation industry as the legislation is designed to do.

For those of us who receive a majority of our goods by ocean carrier, this provision would significantly impact our economy. We do not have other transportation options. If enacted, this legislation would encourage businesses on Guam to buy fewer goods from the mainland because of the unprecedented increases in rates. It would result in an increase in the importation of goods from foreign nations because we would have no other choice. People on Guam want to buy goods from the mainland, but not if the shipping costs make consumer prices increase at an astonishing rate.

As the conferees meet on H.R. 2539, I urge the conferees to consider the economic effects of enacting such an anti-competitive provision, under the mantle of deregulation, and the dangerous precedent it sets. I encourage the conferees to strike this provision.

TRIBUTE TO MICHAEL BRUTON

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. LIPINSKI. Mr. Speaker, I rise today with great sadness at the recent passing of Michael Bruton at the age of 59. Michael Bruton, president of the Chicago Federation of Labor, died Sunday, November 12, from complications caused by cancer.

Michael held numerous positions with the CFL and the International Brotherhood of Electrical Workers. He was elected president of the CFL in 1994, and had been assistant to the president since January 1986. He served as vice president of the CFL.

Michael started his union career in 1954, when he became an apprentice electrician with Local 134. He was a 1954 graduate of De La Salle High School in Chicago. He attended Washburne Trade School and received his journeyman credentials in 1958. He also attended the Kennedy Electronics School and the University of Illinois Labor Program from 1972 to 1976. In 1989, he was appointed to the board of directors of the Metropolitan Pier and Exposition Authority by Mayor Richard Daley. Michael was a former member of the Illinois State Board of Education. He served as secretary of the board and vice chairman of its Equal Employment Opportunity Committee.

Michael was a member of St. Daniel the Prophet Church on Chicago's Southwest Side and its Holy Name Society. He coached basketball at St. Daniel in the 1980's, and was active in the Boy Scouts of America. Michael served on the board of the United Way/Crusade of Mercy Catholic Charities, the Board of

Governors of the Metropolitan Planning Council and the Chicago Convention and Tourism Bureau. He also was a labor representative on the Chicago Private Industry Council and served several other charitable and civic organizations.

Mr. Speaker, I extend my condolences to his wife, Marilyn; three sons, Michael, Timothy, and Thomas; six daughters, Susan Cerebona, Mary Beth Carroll, Nancy Herbster, Sharon, Denise, and Karen; three brothers, Lawrence, Patrick, and James; and two sisters, Ann Howell and Pauline Thomas.